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The Indian Question, 1823-1973

Edward Everett, Jefferson Davis, Hamlin Garland, Vine Deloria, Jr., and others; 150 years of white attitudes toward the American Indian.

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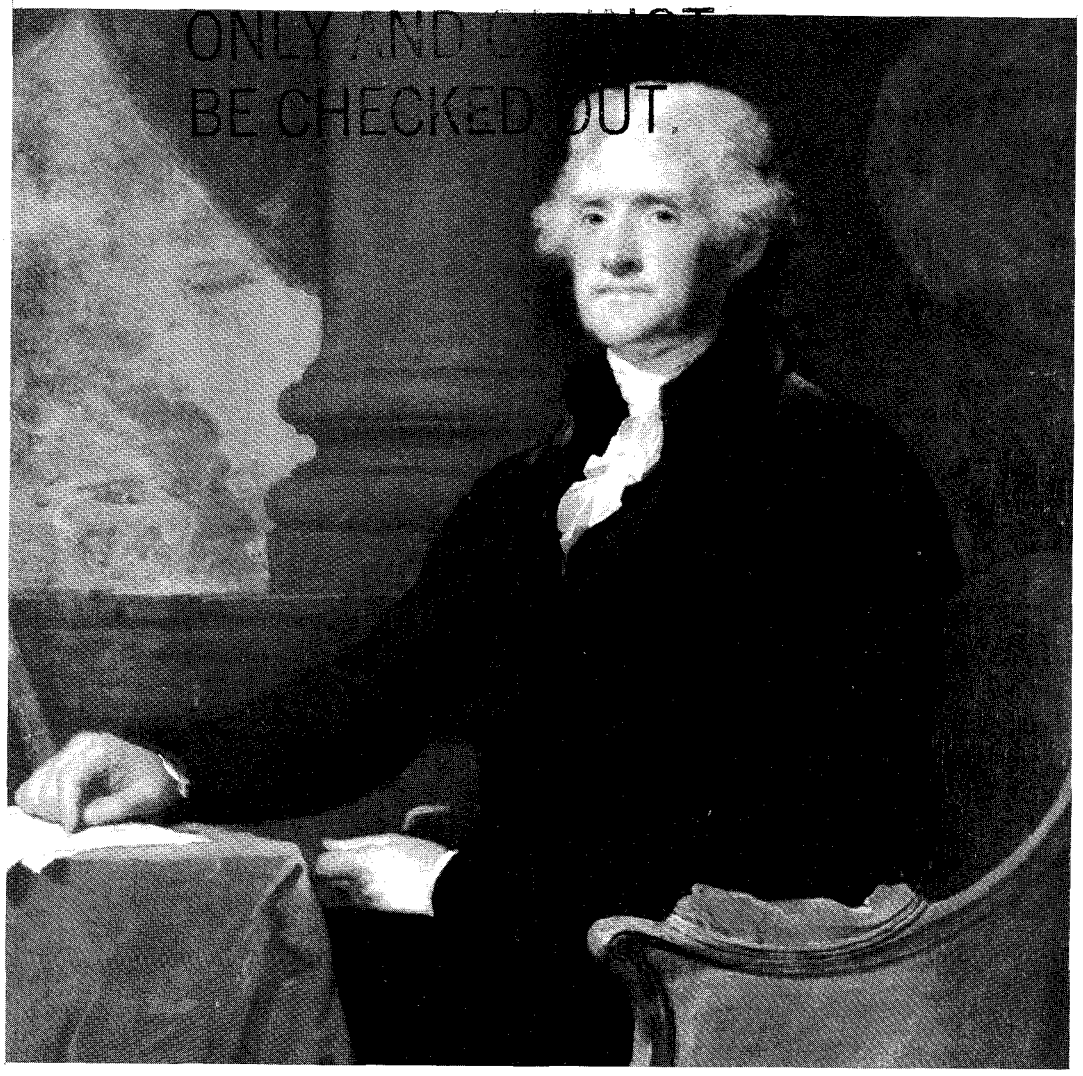

Sir Monticello Mar. 27. 25.

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Th: J.

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ABOUT THIS ISSUE

Once we had determined to collect within the covers of this issue 150 years worth of argument and opinion about the American Indian, as published in The North American Review, we discovered that our sociological and anthropological eyes were larger than our editorial stomach. The resources seemed infinite; the treasure was embarrassingly rich; to have it all was impossible.

What remains of our original ambitions you have before you. Covering that century and a half span of white deeds and misdeeds, actions and inactions with regard to the native American tribes, are articles and polemics by senators, lawyers, cabinet officers, college presidents, literary men and women, and social workers. Some of them lived with the Indians; others probably had never seen one. Some respected the Indian; others looked forward to his assimilation, if not his actual destruction. To some, the Indian was a human being to be loved; to others, he was only an animal to be trained.

The prevailing view—an attitude which underlies many of the articles reprinted here—was expressed by Lewis Cass in the NAR for April, 1833: "Wherever civilization comes in conflict with barbarism, it is the order of nature that barbarism shall give way; the savage either ceases to be a savage, or retreats before the rising flood." Cass mitigates the argument thus: "But justice and humanity do require that the rights of the weaker party shall be respected, and that civilization shall be recommended to them in every possible way."

We quote from an essay we chose not to reprint, but the ways in which white civilization has been "recommended" to the Indian are implicit in the writings to follow. In all, we offer 20 articles out of some five dozen available to us. By and large we have omitted essays dealing with Indian language, origins and history, in favor of those concerned with relations between Indian and white. In the end, this extraordinary issue of the NAR is one kind of textbook of contention for the American future.

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Francis Parkman

July 1866

Parkman, best known for THE OREGON TRAIL, *was in poor health nearly all his life. A serious student of the Indians, he was obliged to dictate his books and articles and even to hire others to read for him.*

Indian Superstitions

The religious belief of the North American Indians seems at a first view anomalous and contradictory. It certainly is so, if we adopt the popular impression. Romance, Poetry, and Rhetoric point, on the one hand, to the august conception of a one all-ruling deity, a Great Spirit, omniscient and omnipresent, and we are told to admire the untutored intellect which could conceive a thought too vast for Socrates and Plato. On the other hand, we find a chaos of degrading, ridiculous, and incoherent superstitions. A closer examination will show that the contradiction is more apparent than real. We will begin with the lowest forms of Indian belief, and thence trace it upward to the highest conceptions which the unassisted mind of the savage attained.

To the Indian, the material world is sentient and intelligent. Birds, beasts, and reptiles have ears for human prayers, and are endowed with influence on human destiny. A mysterious and inexplicable power resides in inanimate things. They, too, can listen to the voice of man, and influence his life for evil or for good. Lakes, rivers, and waterfalls are sometimes the dwelling-place of spirits, but more frequently they are themselves living beings, to be propitiated by prayers and offerings. The lake has a soul, and so have the river and the cataract. Each can hear the words of men, and each can be pleased or offended. In the silence of a forest, the gloom of a deep ravine, resides a living mystery, indefinite but redoubtable. Through all the works of Nature or of man, nothing exists, however seemingly trivial, that may not be endued with a secret power for blessing or for bane.

Men and animals are closely akin. Each species of animal has its great archetype, its progenitor or king, who is supposed somewhere to exist, prodigious in size, though in shape and nature like his subjects. A belief prevails, vague, but perfectly apparent, that men themselves owe their first parentage to beasts, birds, or reptiles, as bears, wolves, tortoises, or cranes; and the names of the totemic clans, borrowed in nearly every case from animals, are the reflection of this idea.*

An Indian hunter was always anxious to propitiate the animals he sought to kill. He has often been known to address a wounded bear in a long harangue of apology.† The bones of the beaver were treated with especial tenderness, and carefully kept from the dogs, lest the spirit of the dead beaver, or his surviving brethren, should take offence.‡ This solicitude extended not alone to animals, but also to inanimate things. A remarkable example occurred among the Hurons, a people comparatively advanced, who, to propitiate their fishing-nets, and persuade them to do their office with effect, married them every year to two young girls of the tribe, with a ceremony far more formal than in the case of merely human wedlock.* The fish, too, no less than the nets, must be propitiated; and to this end they were addressed every evening from the fishing camp by one of the party chosen for that function, who exhorted them to take courage and be caught, assuring them that the utmost respect should be shown to their bones. The harangue, which took place after the evening meal, was made in solemn form, and while it lasted, the whole party, except the speaker, were

* This belief occasionally takes a perfectly definite shape. There was a tradition among Northern and Western tribes that men were created from the carcasses of beasts, birds, and fishes, by Manabozho, a mythical personage to be described hereafter. The Amikouas, or People of the Beaver, an Algonquin tribe of Lake Huron, claimed descent from the carcass of the great original beaver, or father of the beavers. They believed that the rapids and cataracts on the French River and the Upper Ottawa were caused by dams made by their amphibious ancestor. See the tradition in Perrot, *Mémoire sur les Maeurs, Coustumes et Relligion des Sauvages de l'Amérique Septentrionale*, p. 20. Charlevoix tells the same story. Each Indian was supposed to inherit something of the nature of the animal whence he sprung.

† McKinney, Tour to the Lakes, p. 284, mentions the discomposure of a party of Indians when shown a stuffed moose. Thinking that its spirit would be offended at the indignity shown to its remains, they surrounded it, making apologetic speeches and blowing tobacco-smoke at it as a propitiatory offering.

‡ This superstition was very prevalent, and numerous instances of it occur in old and recent writers, from Father Le Jeune to Captain Carver.

* There are frequent allusions to this ceremony in the early writers. The Algonquins of the Ottawa practised it, as well as the Hurons. Lalemant, in his chapter "Du Regne de Satan en ces Contrées" (*Relation des Hurons*, 1639), says that it took place yearly at the middle of March. As it was indispensable that the brides should be virgins, mere children were chosen. The net was held between them, and its spirit, or *Oki*, was harangued by one of the chiefs, who exhorted him to do his part in furnishing the tribe with food. Lalemant was told that the spirit of the net had once appeared in human form to the Algonquins, complaining that he had lost his wife, and warning them that, unless they could find him another equally immaculate, they would catch no more fish.

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required to lie on their back, silent and motionless, around their fire.†

Besides ascribing life and intelligence to the material world, animate and inanimate, the Indian believes in supernatural existences, known among the Algonquins as *Manitous*, and among the Iroquois and Hurons as *Okies*. These words comprehend all forms of supernatural being, from the highest to the lowest, with the exception, possibly, of certain diminutive fairies or hobgoblins, and certain giants and anomalous monsters, which appear under various forms, grotesque and horrible, in their fireside legends.‡ There are local manitous of streams, rocks, mountains, cataracts, and forests. The conception of these beings betrays, for the most part, a striking poverty of imagination. In nearly every case, when they reveal themselves to mortal sight, they bear the semblance of beasts, reptiles, or birds, in shapes unusual or distorted.* There are other manitous without local habitation, some good, some evil, countless in number and indefinite in attributes. They fill the world and control the destinies of men, that is to say, of Indians; for the primitive Indian holds that the white man lives under a spiritual rule distinct from that which governs his own fate. These beings, also, appear for the most part in the shape of animals. Sometimes, however, they assume human proportions; but more frequently they take the form of stones, which, being broken, are found full of living blood and flesh.

Each primitive Indian has his guardian manitou, to whom he looks for counsel, guidance, and protection. These spiritual allies are acquired by the following process. At the age of fourteen or fifteen, the Indian boy smears his face with black, retires to some solitary place, and remains for days without food. Superstitious expectancy and the exhaustion of famine rarely fail of their results. His sleep is haunted by visions, and the form which first or most often appears is that of his guardian manitou, — a beast, a bird, a fish, a serpent, or some other object, animate or inanimate. An eagle or a bear is the vision of a destined warrior; a wolf, of a successful hunter; while a serpent foreshadows the future medicine-man, or, according to others, portends disaster.† The young Indian thenceforth wears about his person the object revealed in his dream, or some portion of it, — as a bone, a feather, a snake-skin, or a tuft of hair. This, in the modern language of the forest and prairie, is known as his "medicine." The Indian yields to it a sort of worship, propitiates it with offerings of tobacco, thanks it in prosperity, and upbraids it in disaster.* If his medicine fails to bring him the desired success, he will sometimes discard it and adopt another. The superstition now becomes mere fetich-worship, since the Indian regards the mysterious object which he carries about him rather as an embodiment than as a representative of a supernatural power.

Indian belief, however, recognizes a very different class of beings. Besides the giants and monsters of legendary lore, other conceptions may be discerned, more or less distinct, and of a character partially mythical. Of these, the most conspicuous is that remarkable personage of Algonquin tradition, called Manabozho, Messou, Michabou, Nanabush, or the Great Hare. As each species of animal has its archetype or king, so, among the Algonquins, Manabozho is king of all these animal kings. Tradition is diverse as to his origin. According to the most current belief, his father was the West Wind and his mother a great-granddaughter of the Moon. His character is worthy of such a parentage. Sometimes he is a wolf, a bird, or a gigantic hare, surrounded by a court of quadrupeds; sometimes he appears in human shape, majestic in stature and wondrous in endowment, a mighty magician, a destroyer of serpents and evil manitous; sometimes he is a vain and treacherous imp, full of childish whims and petty trickery, the butt and victim of men, beasts, and spirits. His powers of transformation are without limit; his curiosity and malice are insatiable; and of the numberless legends of which he is the hero, the greater part are as trivial as they are incoherent.† It does not appear that Manabozho was ever an object of worship; yet, despite his absurdity, tradition declares him to be chief among the manitous, in short, the "Great

† Sagard, *Le Grand Voyage du Pays des Hurons*, p. 257. Other old writers make a similar statement.

‡ Many tribes have tales of diminutive beings which, in the absence of a better word, may be called fairies. In the Travels of Lewis and Clark there is mention of a hill on the Missouri supposed to be haunted by them. These Western fairies correspond with the *Puck Wudj Ininee* of Ojibwa tradition. As an example of the monsters alluded to, see the Saginaw story of the *Weendigoes*, in Schoolcraft, Algic Researches, II. 105.

* The figure of a large bird is perhaps the most common; as, for example, the good spirit of Rock Island: "He was white, with wings like a swan, but ten times larger." — Autobiography of Blackhawk, p. 70.

† Compare Cass, in North American Review, XIII. 100. A turkey-buzzard, according to him, is the vision of a medicine-man. The writer once knew an old Dahcotah chief who was greatly respected, but had never been to war, though belonging to a family of peculiarly warlike propensities. The reason was, that, in his initiatory fast, he had dreamed of an antelope, — the peace-spirit of his people.

Women fast as well as men, — always at the time of transition from childhood to maturity. In the Narrative of John Tanner, there is an account of an old woman who had fasted, in her youth, for ten days, and throughout her life placed the firmest faith in the visions which had appeared to her at that time. Among the Northern Algonquins, the practice, down to a recent day, was almost universal.

* The writer has seen a Dahcotah warrior open his medicine-bag, talk with an air of affectionate respect to the bone, feather, or horn within, and blow tobacco-smoke upon it as an offering. "Medicines" are acquired not only by fasting, but by casual dreams and otherwise. They are sometimes even bought and sold.

† Mr. Schoolcraft has collected many of these tales. See his Algic Researches, Vol. I. Compare the stories of Messou, given by Le Jeune (*Relations*, 1633, 1634), and the account of Nanabush, by Edwin James, in his notes to Tanner's Narrative of Captivity and Adventures during a Thirty Years' Residence among the Indians; also the account of the Great Hare, in the *Mémoire* of Nicolas Perrot, Chaps. I., II.

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Spirit."‡ It was he who restored the world, submerged by a deluge. He was hunting in company with a certain wolf, who was his brother, or, by other accounts, his grandson, when this his quadruped relative fell through the ice of a frozen lake, and was at once devoured by certain serpents lurking in the depths of the waters. Manabozho, intent on revenge, transformed himself into the stump of a tree, and by this artifice surprised and slew the king of the serpents, as he basked with his followers in the moontide sun. The serpents, who were all manitous, caused, in their rage, the waters of the lake to deluge the earth. Manabozho climbed a tree, which, in answer to his entreaties, grew as the flood rose around it, and thus saved him from the vengeance of the evil spirits. Submerged to the neck, he looked abroad on the waste of waters, and at length descried the bird known as the loon, to whom he appealed for aid in the task of restoring the world. The loon dived in search of a little mud, as material of reconstruction, but could not reach the bottom. A muskrat made the same attempt, but soon reappeared floating on his back, and apparently dead. Manabozho, however, on searching his paws, discovered in one of them a particle of the desired mud, and of this, together with the body of the loon, he created the world anew.*

There are various forms of this tradition, in some of which Manabozho appears, not as the restorer, but as the creator of the world, forming mankind from the carcasses of dead beasts, birds, and fishes.† Other stories represent him as marrying a female muskrat, by whom he became the progenitor of the human race.‡

Searching for some higher conception of supernatural existence, we find among a portion of the primitive Algonquins traces of a vague belief in a spirit dimly shadowed forth under the name of Atahocan, to whom it does not appear that any attributes were ascribed or any worship offered, and of whom the Indians professed to know nothing whatever. There is no evidence that this belief extended beyond certain tribes of the Lower St. Lawrence. Others saw a supreme manitou in the sun. The Algonquins believed also in a malignant manitou, in whom the early missionaries failed not to recognize the Devil, but who was far less dreaded than his wife. She wore a robe made of the hair of her victims, for she was the cause of death; and she it is whom, by yelling, drumming, and stamping, they seek to drive away from the sick. Sometimes, at night, she was seen by some terrified squaw in the forest, in shape like a flame of fire; and when the vision was announced to the circle crouched around the lodge-fire, they burned a fragment of meat to appease the female fiend.

The East, the West, the North, and the South were vaguely personified as spirits or manitous. Some of the winds, too, were personal existences. The West Wind, as we have seen, was father of Manabozho. There was a Summer-Maker and a Winter-Maker, and the Indians tried to keep the latter at bay by throwing firebrands into the air.

When we turn from the Algonquin family of tribes to that of the Iroquois, we find another cosmogony and other conceptions of spiritual existence. While the earth was as yet a waste of waters, there was, according to Iroquois and Huron traditions, a heaven with lakes, streams, plains, and forests, inhabited by animals, by spirits, and, as some affirm, by human beings. Here a certain female spirit, named Ataentsic, was once chasing a bear, which, slipping through a hole, fell down to the earth. Ataentsic's dog followed, when she herself, struck with despair, jumped after them. Others declare that she was kicked out of heaven by the spirit, her husband, for an amour with a man; while others, again, hold the belief that she fell in the attempt to gather for her husband the medicinal leaves of a certain tree. Be this as it may, the animals swimming in the watery waste below saw her fall, and hastily met in council to determine what should be done. The case was referred to the beaver. The beaver commended it to the judgment of the tortoise, who thereupon called on the other animals to dive, bring up mud, and place it on his back. Thus was formed a floating island, on which Ataentsic fell; and here, being pregnant, she was soon delivered of a daughter, who in turn bore two boys, whose paternity is unexplained. They were called Taouscaron and Jouskeha, and presently fell to blows, Jouskeha killing his brother with the horn of a stag. The back of the tortoise grew into a world full of verdure and life; and Jouskeha, with his grandmother Ataentsic, ruled over its destinies.*

He is the Sun; she is the Moon. He is beneficent; but she is malignant, like the female demon of the Algon-

‡ "Presque toutes les Nations Algonquines ont donné le nom de *Grand Liévre* au Premier Esprit, quelques-uns l'appellent *Michabou* (Manabozho)." — Charlevoix, *Journal Historique*, 344.

* This is a form of the story still current among the remoter Algonquins. Compare the story of Messou in Le Jeune, *Relation*, 1633, p. 16. It is substantially the same.

† In the beginning of all things, Manabozho, in the form of the Great Hare, was on a raft, surrounded by animals who acknowledged him as their chief. No land could be seen. Anxious to create the world, the Great Hare persuaded the beaver to dive for mud, but the adventurous diver floated to the surface senseless. The otter next tried, and failed like his predecessor. The muskrat now offered himself for the desperate task. He plunged, and, after remaining a day and night beneath the surface, reappeared floating on his back beside the raft, apparently dead, and with all his paws fast closed. On opening them, the other animals found in one of them a grain of sand, and of this the Great Hare created the world. Perrot, *Mémoire*, Chap. I.

‡ Le Jeune *Relation*, 1633, p. 16. The muskrat is always a conspicuous figure in Algonquin cosmogony.

It is said that Messou, or Manabozho, once gave to an Indian the gift of immortality, tied in a bundle, enjoining him never to open it. The Indian's wife, however, impelled by curiosity, one day cut the string; the precious gift flew out, and Indians have ever since been subject to death. Le Jeune, *Relation*, 1634, p. 13.

* The above is the version of the story given by Brebeuf, *Relation des Hurons*, 1636, p. 86 (Cramoisy, 1637). No two Indians told it precisely alike, though nearly all of the Hurons and Iroquois agreed as to its essential points. Compare Vanderdonck, Cusick, Sagard, and other writers. According to Vanderdonck, Ataentsic became mother of a deer, a bear, and a wolf, by whom she afterwards bore all the other animals, mankind included. Brebeuf found also among the Hurons a tradition inconsistent with

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quins. They have a bark house, made like those of the Iroquois, at the end of the earth, and they often come to feasts and dances at the Indian villages. Jouskeha raises corn for himself, and makes plentiful harvests for mankind. Sometimes he is seen, thin as a skeleton, with a spike of shrivelled corn in his hand, or greedily gnawing a human limb, and then the Indians know that a grievous famine awaits them. He constantly interposes between mankind and the malice of his wicked grandmother, whom, at times, he soundly cudgels. It was he who made lakes and streams; for once the earth was parched and barren, all the water being gathered under the armpit of a colossal frog; but Jouskeha pierced the armpit and let out the water. No prayers were offered to him, his benevolent nature rendering them superfluous.*

The early writers call Jouskeha the creator of the world, and speak of him as corresponding with the vague Algonquin deity, Atahocan. Two other forms, however, faintly appear in Iroquois mythology, with equal claims to be regarded as supreme spirits. One is called Areskoui, the other Owayneo. Areskoui's most distinctive feature is that of a deity of war. Beyond this, it does not appear that any definite attribute was assigned to either. Like Jouskeha, both were identified with the sun, and the three may probably be regarded as the same being under different names.

The Iroquois proper, or Five Nations, recognized another superhuman personage, — plainly a deified chief or hero. This was Tarenyowagon, or Hiawatha, said to be a divinely appointed messenger, who made his abode on earth for the political and social instruction of the chosen race, and whose counterpart is to be found in the traditions of the Peruvians, Mexicans, and other primitive nations.†

Close examination makes it evident that the primitive Indian's idea of a supreme being was a conception no higher than might have been expected. The moment he began to contemplate this object of his faith, and sought to clothe it with attributes, it became finite, and commonly ridiculous. The creator of the world stood on the level of a barbarous and degraded humanity, while a natural tendency became apparent to look beyond him to other powers sharing his dominion. The Indian belief, if developed, would have developed into a system of polytheism.‡

In the primitive Indian's conception of a God the idea of moral good has no part. His deity does not dispense justice for this world or the next, but leaves mankind under the power of subordinate spirits, who fill and control the universe. Nor is the good and evil of these inferior beings a moral good and evil. The good spirit is the spirit that gives good luck and ministers to the necessities and desires of mankind; the evil spirit is simply a malicious agent of disease, death, and mischance.

In no Indian language could the early missionaries find a word to express the idea of God. *Manitou* and *Oki* meant anything endowed with supernatural powers, from a snake-skin, or a greasy Indian conjurer, up to Manabozho and Jouskeha. The priests were forced to use a circumlocution, — "The Great Chief of Men," or "The Great Manitou who lives in the Sky."* Yet it should seem that the idea of a supreme controlling spirit might naturally arise from the peculiar character of Indian belief. The idea that each race of animals has its archetype or chief, would easily suggest the existence of a supreme chief of the spirits or of the human race, — a conception imperfectly shadowed forth in Manabozho. The Jesuit missionaries seized this advantage. "If each sort of animal has its king," they urged, "so, too, have men; and as man is above all the animals, so is the spirit that rules over men the master of all the other spirits." The Indian mind readily accepted the idea, and tribes in no sense Christian quickly rose to the belief in a one controlling spirit. The Great Spirit became a distinct existence, a pervading power in the universe, and a dispenser of justice. Many tribes now pray to him, though still clinging obstinately to their ancient superstitions; and, with some, as the heathen portion of the modern Iroquois, he is clothed with attributes of moral good.†

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that of Ataentsic, and bearing a trace of Algonquin origin. It declares that, in the beginning, a man, a fox, and a skunk found themselves together on an island, and that the man made the world out of mud brought him by the skunk.

The Delawares, an Algonquin tribe, seem to have borrowed somewhat of the Iroquois cosmogony, since they believed that the earth was formed by the back of a tortoise.

According to some, Jouskeha became the father of the human race, but, in the third generation, a deluge destroyed his posterity, so that it was necessary to transform animals into men. Charlevoix, III. 345.

* Compare Brebeuf, as before cited, and Sagard, *Voyage des Hurons*, p. 228.

† Several forms of the tradition of Hiawatha are preserved in the voluminous "History, Condition, and Prospects of Indian Tribes," published by government. There is great uncertainty in the traditions relating to Tarenyowagon. In some of them he appears as the son of Jouskeha, and is apparently identified with Areskoui.

‡ Some of the early writers could discover no trace of belief in a supreme spirit of any kind. Perrot, after a life spent among the Indians, ignores such an idea. Allouez emphatically denies that it existed. *Relation*, 1667, p. 11.

* See *Divers Sentimens*, appended to the *Relation* of 1635, ¶ 27; and also many other passages of early missionaries.

† In studying the writers of the last and of the present century, it is to be remembered that their observations were made upon savages who had been for generations in contact, immediate or otherwise, with the doctrines of Christianity. Many observers have interpreted the religious ideas of the Indians after preconceived ideas of their own; and it may safely be affirmed that an Indian will respond with a grunt of acquiescence to any question whatever touching his spiritual state. Loskiel and the simple-minded Heckewelder write from a missionary point of view; Adair, to support a theory of descent from the Jews; the worthy theologian, Jarvis, to maintain his dogma that all religious ideas of the heathen world are perversions of revelation; and so, in a greater or less degree, of many others. By far the most close and accurate observers of Indian superstition were the French and Italian Jesuits of the first half of the seventeenth century. Their opportunities were unrivalled; and they used them in a spirit of faithful inquiry, accumulating facts, and leaving theory to their successors. Of recent American writers, no one has given so much

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The primitive Indian believed in the immortality of the soul,* but he did not always believe in a state of future reward and punishment. Nor, when such a belief existed, was the good to be rewarded a moral good, or the evil to be punished a moral evil. Skilful hunters, brave warriors, men of influence and consideration, went, after death, to the happy hunting-ground; while the slothful, the cowardly, and the weak were doomed to eat serpents and ashes in dreary abodes of mist and darkness. In the general belief, however, there was but one land of shades for all alike. The spirits, in form and feature as they had been in life, wended their way through dark forests to the villages of the dead, subsisting on bark and rotten wood. On arriving, they sat all day in the crouching posture of the sick, and, when night came, hunted the shades of animals, with the shades of bows and arrows, among the shades of trees and rocks; for all things, animate and inanimate, were alike immortal, and all passed together to the gloomy country of the dead.

The belief respecting the land of souls varied greatly in different tribes and different individuals. Among the Hurons there were those who held that departed spirits pursued their journey through the sky, along the Milky Way, while the souls of dogs took another route, by certain constellations, known as the "Way of the Dogs."

At intervals of ten or twelve years, the Hurons, the Neuters, and other kindred tribes, were accustomed to collect the bones of their dead, and deposit them with great ceremony in a common place of burial. The whole nation was sometimes gathered at this solemnity; and hundreds of corpses, brought from their temporary resting-places, were inhumed in one capacious pit. From this hour the immortality of their souls began. They took wing, as some affirmed, in the shape of pigeons; while the greater number declared that they journeyed on foot and in their own likeness to the land of shades, bearing with them the ghosts of the wampum-belts, beaver-skins, bows, arrows, pipes, kettles, beads, and rings buried with them in the common grave.† But as the spirits of the old and of children are too feeble for the march, they are forced to stay behind, lingering near their earthly villages, where the living often hear the clapping of their invisible cabin doors, and the weak voices of the disembodied children driving birds from their corn-fields.‡ An endless variety of incoherent fancies is connected with the Indian idea of a future life. They commonly owe their origin to dreams, often to the dreams of those in extreme sickness, who, on awaking, supposed that they had visited the other world, and related to the wondering by-standers what they had seen.

The Indian land of souls is not always a region of shadows and gloom. The Hurons sometimes represented the souls of their dead — those of their dogs included — as dancing joyously in the presence of Ataentsic and Jouskeha. According to some Algonquin traditions, heaven was a scene of endless festivity, the ghosts dancing to the sound of the rattle and the drum, and greeting with hospitable welcome the occasional visitor from the living world; for the spirit-land was not far off, and roving hunters sometimes passed its confines unawares.

Most of the traditions agree, however, that the spirits on their journey heavenward were beset with difficulties and perils. There was a swift river which must be crossed on a log that shook beneath their feet, while a ferocious dog opposed their passage and drove many into the abyss. This river was full of sturgeons and other fish, which the ghosts speared for their subsistence. Beyond was a narrow path between moving rocks, which each instant crashed together, grinding to atoms the less nimble of the pilgrims who essayed to pass. The Hurons believed that a personage named Oscotarach, or the Head-Piercer, dwelt in a bark house beside the path, and that it was his office to remove the brain from the heads of those who passed, as a necessary preparation for immortality. This singular idea is found also in some Algonquin traditions, according to which, however, the brain is afterwards restored to its owner.*

Dreams were to the Indian a universal oracle. They revealed to him his guardian spirit, taught him the cure of his diseases, warned him of the devices of sorcerers, guided him to the lurking-places of his enemy or the haunts of game, and unfolded the secrets of good and evil destiny. The dream was a mysterious and inexorable power, whose least behests must be obeyed to the letter, — a source in every Indian town of endless mischief and abomination. There were professed dreamers and professed interpreters of dreams. One of the most noted festivals among the Hurons and Iroquois was the Dream Feast, a scene of frenzy, where the actors counterfeited madness and the town was like a bedlam turned loose. Each pretended to have dreamed of something necessary to his welfare, and rushed from house to house demanding of all he met to guess his secret requirement and satisfy it.

Believing that the whole material world was instinct with powers to influence and control his fate, that good

attention to the subject as Mr. Schoolcraft; but, in view of his opportunities and his zeal, his results are most unsatisfactory. The work in six large quarto volumes, "History, Condition, and Prospects of Indian Tribes," published by government under his editorship, includes the substance of most of his previous writings. It is a singularly crude and illiterate production, stuffed with blunders and self-contradictions, giving evidence on every page of a striking unfitness either for historical or philosophical inquiry, and taxing to the utmost the patience of those who would extract what is valuable in it from its oceans of pedantic verbiage.

* The exceptions are exceedingly rare. Father Gravier says that a Peoria Indian once told him that there was no future life. It would be difficult to find another instance of the kind.

† The practice of burying treasures with the dead is not peculiar to the North American aborigines. Thus, the London Times of October 28, 1865, describing the funeral rites of Lord Palmerston, says: "And as the words, 'Dust to dust, ashes to ashes,' were pronounced, the chief mourner, as a last precious offering to the dead, threw into the grave several diamond and gold rings."

‡ Brebeuf, *Relation des Hurons*, 1636, p. 97 (Cramoisy, 1637).

* On Indian ideas of another life, compare Sagard, the Jesuit *Relations*, Perrot, Charlevoix, and Lafitau with Tanner, James, Schoolcraft, and the Appendix to Morse's Indian Report.

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and evil spirits and existences nameless and indefinable filled all nature, that a pervading sorcery was above, below, and around him, and that issues of life and death might be controlled by instruments the most unnoticeable and seemingly the most feeble, the Indian lived in perpetual fear. The turning of a leaf, the crawling of an insect, the cry of a bird, the creaking of a bough, might be the mystic signal of his weal or woe.

An Indian community swarmed with sorcerers, medicine-men, and diviners, whose functions were often united in the same person. The sorcerer, by charms, magic songs, magic feasts, and the beating of his drum, had power over the spirits and those occult influences inherent in animals and inanimate things. He could call to him the souls of his enemies. They appeared before him in the form of stones. He chopped and bruised them with his hatchet; blood and flesh issued forth; and the intended victim, however distant, languished and died. Like the sorcerer of the Middle Ages, he made images of those he wished to destroy, and, muttering incantations, punctured them with an awl, whereupon the persons represented sickened and pined away.

The Indian doctor relied far more on magic than on natural remedies. Dreams, beating of the drum, songs, magic feasts and dances, and howling to frighten the female demon from his patient, were his ordinary means of cure. The prophet or diviner had various means of reading the secrets of futurity, such as the flight of birds and the movements of water and fire. There was a peculiar practice of divination very general in the Algonquin family of tribes, with some of whom it still subsists. A small, conical lodge was made by planting poles in a circle, lashing the tops together at a height of about seven feet from the earth, and closely covering them with hides. The prophet now crawled in, and closed the aperture after him. He then beat his drum and sang his magic songs to summon the spirits, whose weak, shrill voices were soon heard, mingled with his lugubrious chanting; while at intervals the juggler paused to interpret their communications to the attentive crowd seated on the ground without. During the whole scene the lodge swayed to and fro with a violence which has astonished many a civilized beholder, and which some of the Jesuits explain by the ready solution of a genuine diabolic intervention.*

The sorcerers, medicine-men, and diviners did not usually discharge the function of priests. Each man sacrificed for himself to the powers he wished to propitiate, whether his guardian spirit, the spirits of animals, or the other beings of his belief. The most common sacrifice was tobacco, thrown into the fire or water; scraps of meat were sometimes offered; and on a few rare occasions of public solemnity, a white dog, the mystic animal of many tribes, was tied to the end of an upright pole, as a sacrifice to some superior spirit, or to the sun, with which the superior spirits were constantly confounded by the primitive Indian. In recent times, when Judaism and Christianity have modified his religious ideas, dogs were, and still are, sacrificed to the Great Spirit. On these public occasions the sacrificial function is discharged by chiefs, or by warriors appointed for the purpose.†

Among the Hurons and Iroquois, and, indeed, all the stationary tribes, there was an incredible number of mystic ceremonies, extravagant, puerile, and often disgusting, designed for the cure of the sick or for the general welfare and prosperity of the community. Most of their observances seem originally to have been dictated by dreams, and transmitted as a sacred heritage from generation to generation. They consisted in an endless variety of dances, masqueradings, and nondescript orgies; and a scrupulous adherence to all the traditional forms was held to be of the last moment, as the slightest failure in this respect might entail serious calamities. If children were seen in their play imitating any of these mysteries, they were grimly rebuked and punished. In many tribes secret magical societies existed, and still exist, into which members are initiated with peculiar mystic ceremonies. These associations are greatly respected and feared. They have charms for love, war, and private revenge, and hold a great and often a very mischievous influence. The societies of the Metai and the Wabeno, among the Northern Algonquins, are conspicuous examples; while other societies of similar character have, for a century, been known to exist among the Dahcotah.*

A notice of the superstitious ideas of the Indians would be imperfect without a reference to the traditionary tales by which these ideas are handed down from father to son. Some of these tales can be traced back to the period of the earliest intercourse with Europeans. One at least of those recorded by the first missionaries, on the Lower St. Lawrence, is still current among the tribes of the Upper Lakes. Many of them are curious combinations of beliefs seriously entertained with strokes intended for humor and drollery, which never fail to awaken peals of laughter in the lodge-circle. Giants, dwarfs, cannibals, spirits, beasts, birds, and anomalous monsters, transformations, tricks, and sorcery, form the staple of the story. Some of the Iroquois tales embody conceptions which, however preposterous, are of a bold and striking char-

* This practice was first observed by Champlain. See "Pioneers of France in the New World." From his time to the present day, numerous writers have remarked upon it. Le Jeune, in the *Relation* of 1637, treats it at some length. The lodge was sometimes of a cylindrical, instead of a conical form.

† Many of the Indian feasts were feasts of sacrifice, sometimes to the guardian spirit of the host, sometimes to an animal of which he has dreamed, sometimes to a local or other spirit. The food was first offered in a loud voice to the being to be propitiated, after which the guests proceeded to devour it for him. This unique method of sacrifice was practised at war-feasts and similar solemnities.

One of the most remarkable of Indian sacrifices was that practised by the Hurons in the case of a person drowned or frozen to death. The flesh of the deceased was cut off and thrown into a fire made for the purpose, as an offering of propitiation to the spirits of the air or water. What remained of the body was then buried near the fire. Brebeuf, *Relation des Hurons*, 1636, p. 108.

* The Friendly Society of the Spirit, of which the initiatory ceremonies were seen and described by Carver (Travels, 271), preserves to this day its existence and its rites.

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acter; but those of the Algonquins are to an incredible degree flimsy, silly, and meaningless; nor are those of the Dahcotah tribes much better. In respect to this wigwam lore there is a curious superstition of very wide prevalence. The tales must not be told in summer, since at that season, when all Nature is full of life, the spirits are awake, and, hearing what is said of them, may take offence; whereas in winter they are fast sealed up in snow and ice, and no longer capable of listening.†

It is obvious that the Indian mind has never seriously occupied itself with any of the higher themes of thought. The beings of its belief are not impersonations of the forces of Nature, the courses of human destiny, or the movements of human intellect, will, and passion. In the midst of Nature, the Indian knew nothing of her laws. His perpetual reference of her phenomena to occult agencies forestalled inquiry, and precluded inductive reasoning. If the wind blew with violence, it was because the water-lizard which makes the wind had crawled out of his pool; if the lightning was sharp and frequent, it was because the young of the thunder-bird were restless in their nest; if a blight fell upon the corn, it was because the Corn Spirit was angry; and if the beavers were shy and difficult to catch, it was because they had taken offence at seeing the bones of one of their race thrown to a dog. Well and even highly developed, in a few instances, — we allude especially to the Iroquois, — with respect to certain points of material concernment, the mind of the Indian in other respects was and is almost hopelessly stagnant. The very traits that raise him above the servile races are hostile to the kind and degree of civilization which those races so easily attain. His intractable spirit of independence, and the pride which forbids him to be an imitator, reinforce but too well that savage lethargy of mind from which it is so hard to rouse him. No race, perhaps, ever offered greater difficulties to those laboring for its improvement.

To sum up the results of this examination, the primitive Indian was as savage in his religion as in his life. He was divided between fetich-worship and that next degree of religious development which consists in the worship of deities embodied in the human form. His conception of their attributes was such as might have been expected. (His gods were no whit better than himself.) Even when he borrows from Christianity the idea of a supreme and universal spirit, his tendency is to reduce him to a local habitation and a bodily shape; and this tendency disappears only in tribes that have been long in contact with civilized white men. The primitive Indian, yielding his untutored homage to one all-pervading and omnipotent spirit, is a dream of poets, rhetoricians, and sentimentalists.

† The prevalence of this fancy among the Algonquins in the remote parts of Canada is well established. The writer found it also among the extreme Western bands of the Dahcotah. He tried, in the month of July, to persuade an old chief, a noted story-teller, to tell him some of the tales; but, though abundantly loquacious in respect to his own adventures, and even his dreams, the Indian obstinately refused, saying that winter was the time for the tales, and that it was bad to tell them in summer.

The Moqui Snake Dance

Hundreds of rattlesnakes were secured by the Moqui, and were placed in a great basket at the gateway of the village, and covered by a buffalo hide. On the morning of August 18, for that is the date for the festival, the hundred and thirty chosen warriors marched to a platform of loose boards over which the squaws had strewn sacred meal. These Indian women wore white mantles, and had their long black hair done up in enormous cart wheels. The braves each wore a tunic reaching midway on the thigh, moccasins upon the feet, and upon the naked calf of the right leg of each one the shell of a terrapin in which were confined small pebbles which rattled as the warrior moved and made of him, to the ear at least, a human rattlesnake. Around each one's brow was bound a white handkerchief, the upper part of the forehead being painted a deep black and the lower half black and white in alternate bands. After they had marched over the sacred meal, they arranged themselves in a double column facing the plain. A gigantic attendant whose face was completely hidden by his handkerchief, and whose body was hideously painted, stood at the snake cage and as each pair of braves marched past him thrust his naked arm into the cage, and jerked from it a writhing serpent which he handed to the buck. The snake dancer, reaching forward his hideously marked visage, seized the snake by its middle in his teeth. The serpent struggled wildly and his human captor, gesticulating with both hands, joined at once in the solemn rhythmic movement in which after each had been supplied with his own particular rattlesnake the entire hundred and thirty were soon gyrating.

Upon the cliffs around them the entire Moqui nation was seated, dumb with religious awe. No sound came from that grim audience. Nor was there aught to break the horrible stillness of the place except the hissing of the serpents and the rattling of the pebbles in the shells upon the warriors' legs. The snakes themselves, although animated to the utmost with venomous life, neither struck at the men nor rattled their own tails. When once in the course of the dance a rattler sunk his fangs into the cheek of the brave next to the one who held the serpent in his teeth, he was calmly pulled away as if nothing had happened, and the brave who had been bitten continued, with perfect equanimity, his fanatic dance. At the end of some thirty minutes the snakes were thrown in a writhing mass upon the earth and sprinkled with sacred meal. The dancers divided themselves into four squads, and at a given signal each squad rushed upon the mass of serpents, each warrior grasped as many of them as he could in his two hands and bounded away at top speed, one band to the south, one to the north, one to the east, and one to the west, until they had raced a half mile over the prairie.

—H. Kellar

"Magic among the Red Men" (November 1893)

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Edward Everett

1823

Editor of the NAR, later Governor of Massachusetts, President of Harvard, and Secretary of State, Edward Everett argued the inevitability of white conquest in the coldest of terms.

On the State of the Indians

A Report to the Secretary of War of the U. S. on Indian Affairs, comprising a narrative of a Tour performed, in the Summer of 1820, under a Commission from the President of the U. S., for the purpose of ascertaining, for the use of the government, the actual State of the Indian tribes, in our Country: By Rev. Jedidiah Morse, D.D. Newhaven, 1822, 8vo.

The subject of this work appears to be one of rapidly increasing interest in this country. The extension of our states and territories westward is daily giving greater political consequence to questions, relative to the condition of the yet existing nations of aboriginal inhabitants. Philologians, both abroad and at home, have of late years pursued with zeal the comparison of the native dialects of this continent. The well conducted expeditions, which our government has fitted out, and the enterprizing tours of individuals have brought to notice tribes and nations before unknown; and lastly the establishments of the various missionary societies, and the success which has attended the great efforts now making for the civilization of the Indians, have turned the eyes of a great part of the community to their condition and prospects. It was in connexion with some of these societies, that the tour of Dr Morse, of which the narrative is given in this volume, had its origin. Being in the service of the Society in Scotland, for propagating Christian knowledge, and the Northern Missionary Society of the state of New York, Dr Morse was led to make an offer of his services to the government of the United States, which was accepted. In pursuit of his object the Dr undertook a tour to Green bay in the summer of 1820; and those who recollect — as so many among us may — the idea which prevailed, not a generation since, of the effort required for a visit to Niagara, will be struck with the improvements introduced in the means of conveyance, in this quarter. Dr Morse started from Newhaven for Green bay, on the western side of lake Michigan, May 10th, and returned to that city Aug 30th of the same summer, not having passed more than two thirds of the time on the road. The next summer Dr Morse also made a visit to York, in upper Canada, for the sake of an interview with Sir Peregrine Maitland, the governor of that province, on the subject of his mission. The volume before us consists of a narrative of these two excursions and a large appendix, containing documents of various kinds and various degrees of interest. As the personal observations of Dr Morse were almost wholly limited to those which he had an opportunity of making on his hasty visit to Green bay, the greater part of his materials rest of course on the authority of the gentlemen who furnish them. A considerable part of these is already before the public, particularly most of the accounts of the missionary establishments among the Cherokees and Choctaws, and the accounts of the Indians in our high latitudes, by Mr Harmon, from whose journal Dr Morse has made an extract of some length. Indeed the only exception we have to take to this volume, which we have read with great interest — and this is, perhaps, the highest compliment in our power to pay to a closely printed volume of five hundred pages — is that more choice was not used in selecting the materials and more care bestowed in arranging them. Had 'the whole been digested into one body,' according to the judicious suggestion of Mr Calhoun, and the mass of materials contained in the appendix been woven into one continuous discourse or treatise, of about a third of the size of the present volume, it would have been likely to enjoy an extensive circulation. As it is, the size of the work and the manner in which it is put together will confine it principally to those who are willing to take some pains to master the contents of a volume. We must be permitted also to object to the practice of splitting up documents into paragraphs, with running titles in italics, to tell their contents. This is proper in a scientific treatise, written in paragraphs, and it is very well in a newspaper designed for popular circulation; but certainly the present work is not intended for a class of readers who cannot tell the subject of a document till it has been thus dissected and labelled.

The condition of the native inhabitants of this continent, especially of those parts of it included within our own settlements or on whom the wave of population is daily encroaching, is a very interesting, a very curious, and a somewhat difficult subject. It is common to speak of them as a much oppressed and wronged race, to deplore their extinction, and to form projects for their preservation and civilization. Many questions, however, seem to be confounded together in this subject, and it will aid us materially, in coming to a right conclusion, to separate them.

Are they then a much injured and oppressed race, or rather is their gradual extinction and disappearance a great and crying injustice? No one, directly challenged on this point, perhaps, will answer in the affirmative. It

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seems to be agreed, on all hands, that barbarous tribes have but a partial and imperfect right in the soil; that they cannot allege a prior occupancy of the forests and plains, which they do not in any civilized sense occupy. If this be so, a civilized company of emigrants have a right to land and settle on a savage coast. They certainly have a right so to do, if, as in most cases in our country, a regular agreement and treaty be had with the natives, by which they transfer their right, perfect or imperfect, to the new comers. Thus far then all will agree, and will allow that the pilgrims of New England and the quakers of Pennsylvania were lawfully and rightfully settled. But here begins the difficulty. The settlers possessing the arts of civilized life, enjoying the blessings of government, and backed by powerful countries beyond the sea, are likely to advance in population much more rapidly than any equal portion of the natives. Forests will soon disappear and be replaced by cornfields. This feeds the white people, but it starves the red people; and yet what hardy moralist will say that the settlers shall not cut down the trees because it will destroy the covert of the deer? Thus we see, the very first step to feed and support the new comers aims at the extinction of the savages. To cut down forests is to apply, in the modern phraseology, the most effectual check to their increase. This is only the first step. The settler brings with him the art of extracting a strong liquor out of potatoes and rye, which taken in small quantities and with great discretion is a cordial; but, in large quantities and without discretion, a poison. The savage has an ungoverned appetite for this liquor; and though it be always made penal to furnish him with it, it is impossible, in the nature of things, to enforce the restriction, and it is put within his reach. This not only produces the fatal consequences peculiar to itself, but, by the contagious nature of all vice, it leads to other vices, to quarrels, to violence, to murders; and thus to wars of retaliation, punishment, and self-defence. Cannon, and musketry, and ammunition now come in aid of the silent operation of other causes; and the savage foes are rapidly cut off. Collaterally with this, they take our diseases, and small pox, with aggravated ravages, hastens their extinction. This has been the immediate agent of breaking up and destroying several mighty tribes, and the volume before us furnishes proof that it is still at work. By the operation of these causes, the Indian population is thinned, crowded together, driven off: a melancholy spectacle to the survivors, and brought about, as we have stated, partly by the vices of the settlers; but yet not by any of that tyranny and oppression commonly urged. In a high moral sense, we certainly would allow that to distil whiskey, knowing that the Indians would get it and be ruined by it, is criminal; but this cannot be said of giving them the small pox, which has the opposite quality of mercy, and '*curses* him who gives and him who takes;' nor can it be said of the disastrous result of Indian wars, growing out of the savage manners of the natives, and a just self-defence against them. We hope we shall not be understood to palliate any act of injustice and cruelty, of which doubtless many have been committed against the Indians. But it must be remembered that many also have been committed *by* them, against the whites, and we are strongly inclined to think that this private score of oppression, cruelty, and guilt is nearly balanced. We maintain only that the extinction of the Indians has taken place by the unavoidable operation of natural causes, and as the natural consequence of the vicinity of white settlements. Wherever, by the interference of the state, they have been preserved, it has been by a greater violation of their *supposed* rights, than that which has led to their extinction. Are they 'lords of the soil?' they may then sell it to whom they please; and that will be the first trader well furnished with whiskey. Are they not lords, and do they even require reservations made inalienable by government, to prevent their total extinction? then they have not been driven from their own property. It appears to us therefore that the whole theory of injury and oppression — resting on the rapid and total extinction of so many nations and the impending disappearance of all — is unsound on any principle, which would not wholly deny the right of settling, on any terms, upon a barbarous coast. We have hitherto left out of view one consideration, which destroys even the shadow of plausibility in the argument which we combat. It is this, that most of the aboriginals — as we call them — certainly, all probably, hunted and fished in the streams and forests of this country merely by the right of the strongest. The traditions of their wars among themselves, of their conquests and defeats were very distinct, at the time of the discovery of America. The Peruvians, Mexicans, and LenniLenape were none of them *aboriginals*, in the literal sense of the term. Some of them, at a very late period, and all at no very remote period, had driven out some still 'more oppressed and injured race.' The Spaniards would never have reached Mexico, but for the alliance of the Tlascalans, with which nation the Mexicans would not make peace because the supply of prisoners of war for human sacrifices would fail. The Eries, who gave their name to the lake, were exterminated by the Iroquois. And at the present day, Cherokees and Osages, Sioux and Chippeways are much more dangerous foes to each other than whites to either. Without regarding therefore their barbarous modes of warfare, or their treatment of prisoners, it is quite plain that they have no just cause of murmuring at the progress of the whites, who, had they from their first landing used no other means of extending themselves and extinguishing the Indian claims than the sword, would have stood on as good a right as the Indians themselves.

But if not an injured and oppressed race, still is not their extinction and disappearance from the face of the earth a great calamity, a subject of melancholy reflection? Dr Morse, at the close of his report, thus expresses himself: 'In these circumstances, they become insulated, among those who despise them as an inferior race, fit companions of those only, who have the capacity and disposition to corrupt them. In this degraded, most disconsolate and heart breaking situation, in which man can be placed, they are left miserably to waste away for a

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few generations, and then to become extinct for ever! This is no fancied picture. In a few years it will be sad reality, unless we change our policy toward them; unless effectual measures be taken to bring them over this awful gulf, to the solid and safe ground of civilization. How many tribes, once numerous and respectable, have in succession perished, in the manner described, from the fair and productive territories, now possessed by and giving support to TEN MILLIONS.' In confirmation of these feelings of his own, the Doctor quotes the following impassioned passage from a sermon of the Rev. Mr. Clarke, of Amherst (Mass.) 'I hear too the voice of the savage sounding from the bosom of the trackless forest. And there is in that cry a wild and native eloquence. "You have stripped us of our hunting ground, all in life that we held dear; you have corrupted our morals; our tribes, already incalculably diminished, have nothing before them but the dreary idea of being swallowed up, unless it be the more fearful apprehension of perishing for ever in our sins. Once we were the heirs of your soil; we now only ask to die the heirs of that salvation which is revealed to you in your bibles." A cry like this has been uttered and is heard. Already the heralds of salvation have gone to look up the remnants of their depopulated tribes and point them to a Savior. Their sun is setting in the west, and we should give evidence that we had their unpitying nature as well as their soil, were we willing to see it go down in total darkness. If the few that remain may live forever, it alleviates the retrospect of their wrongs, and creates one luminous spot in the Egyptian cloud, that hangs over the place of their fathers' sepulchres. I would give any price for their forgiveness and blessing; and it cheers my heart, that my country is beginning to pay the long arrears, that are due to that injured people.'

We shall presently have an opportunity of saying that we wish success as heartily as any one can to the efforts making, particularly among the Cherokees and Choctaws, for the instruction and civilization of the Indians. We have made these quotations for the sake of offering a remark on the supposed melancholy fact of the disappearance and extinction of the natives of this country. We are much mistaken if it be not one of those confusions of ideas which result from rhetoric turned into logic. Has anything happened to the native inhabitants of this country which has not happened at the same time to the whites, which has not always happened in all ages and to all the tribes of men? The natives driven from the soil, destroyed, extinguished! What then, would they not have died; is it the Europeans, that have made them mortal and their generations transitory? To hear the language sometimes used in this connexion, one would suppose it to be thought that but for the arrival of the Europeans, the aborigines would have been immortal on earth; that it was the discovery of Columbus, that

Brought death into the land and all their woe.

If this is *not* the melancholy event that is deplored, if it is granted that the Indians would have died in the course of nature, then nothing is left to lament but that, in proportion as the Indian generations passed off, civilized generations have come on. And is it a real subject of complaint that hunting grounds are turned into cornfields, that their vast forests, which yielded a precarious subsistence to wandering savages, are the seats of prosperous and civilized villages? Had not the Europeans come, the Indians would have died in the course of nature as before, and been succeeded by other generations of Indians, to lead a barbarous and wretched life, and die like their fathers. The Europeans came; and — by causes as simple and natural as they are innocent — the barbarous population, as it has passed off, has been replaced by one much better, much happier. Does any one doubt that man, the human mind, the human soul, stands higher in a civilized, than in a barbarous country? And is it a cause of melancholy, that these dreary wildernesses, as our fathers found them, have been turned into the happy abodes of civilized christian men? But 'the Indians are disappearing, wasting away!' — So are we; we are no more permanent than they, we are all disappearing, and wasting. But while we do abide, it is better that we be civilized than savage; and it is no just cause of melancholy reflection, that so much barbarity, heathenism, and moral degradation, have been succeeded by so much improvement and civilization. — 'How many tribes once numerous and respectable have in succession perished, in the manner described, from the fair and productive territories, now possessed by and supporting *ten millions of people!*' We can scarce persuade ourselves that it is really intended as the climax of a mournful case, that ten millions of civilized men, prosperously cultivating the arts of peaceful life, and governed by its laws and principles, have succeeded to perhaps the twentieth part of that number of wandering, abject barbarians. When we wish for the progress of knowledge, christianity, and happiness, it is not surely red and black men alone that we wish to have them; and we would ask what plan or device of benevolence acting upon the Indians could, in ages, have brought forth the glorious result of ten millions of a population like ours. Let others then mourn over extinguished Pequods, and lament the vanished tribes of Natics and Narragansetts; — for ourselves, while we would not insult the inferiority of their savage races, we rejoice in the memory of the pilgrims. Ample

". . . The commiseration toward the Indian seems founded on a figure of speech, badly applied to real life."

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"... Why a civilized, christianized person ... is any the better for being copper colored, we cannot see."

experience has shown that the contemporary existence of the Europeans and savages was impossible, and the natives of Pennsylvania, under the mild influence of the principles of Penn, have vanished more rapidly than those of Mexico and Peru under the merciless oppression of Mitas and Repartimientos. Since then it was not possible that the savage races could be perpetuated and the civilized settlements flourish, we see neither matter of regret nor commiseration in the course which events have taken. Somewhere in the course of the work before us, it is in substance said that if the governments in New England had taken the proper measures, the Indians would have existed there to the present day. We profess ourselves unable to comprehend the advantage of such a result. It is a very plain alternative of an Indian and a civilized population. For ourselves, we like our neighbors and fellow citizens so well, and have derived from history and observation such ideas of the Indian character, that we are thankful our forefathers took no effectual steps (supposing there were any such) to perpetuate it. At the same time, however, the truth ought to be told. Our fathers really omitted nothing which seemed practicable for promoting the welfare of the Indians. At one period there were thirty Indian churches within a small circuit of Boston, all built by private or public charity, — some served by pious white men, — some by natives, on whose education no pains had been spared; while an uncommonly vigilant police watched over the rights and property of their race. If this was not all that could be asked of men who had their own children, their own community, their own interests to work hard for, we are much deceived; and in short we regard the disappearance of the natives in New England as full and final proof that their preservation, within the limits of a white population, is impracticable.

We beg leave then to repeat, that the commiseration of which we have been speaking seems founded on a figure of speech, badly applied to real life. Men have talked of the melancholy vanishing of the native tribes, as if but for the Europeans, the successive tribes would not have vanished; and forgetting that the hunting ground of fifty savage families would feed and does feed a large city of civilized christians. Had the Indians been murdered to make way for these strangers, it would have been a deed of undying infamy; and such deeds, we know, were done in many parts of the continent of America. But among the alleviations which providence has connected with our mortal nature is this, that it provides a way for happy improvements, without cruel substitutions. It is not necessary to kill a bad man unless the case be extreme; — he will die. It is not necessary to exterminate a savage tribe; — place the germ of civilization in their soil — and such is its living principle, such the *vis conservatrix* of the arts of civilized life, that it will strike root, shoot up, and spread. Place a settlement of civilized men on a barbarous shore, and extend to them reasonable political muniments, and they will be sure, in the course of ages, to supersede the barbarous population, and by necessity; — for if barbarity were more enduring, more permanent, more conducive to the increase and stability of population, more congenial to the human nature, as it would in this case be proved to be, then it would be better than civilization.

One more remark and we close this portion of our reflections. The inconsiderateness of the commiseration of the supposed disastrous lot of the natives is in nothing more apparent than in the suggestions made for the benefit of the savage tribes which still subsist. We lament that they have vanished: we would take measures to preserve the present stock.

But what is it we would preserve? Their languages? that first great bond and symbol of national identity, curious as many of their languages are in their structure, and perhaps the only historical monument of their ancient emigrations, affinities, and fortunes? Would we preserve these? O no. It is recommended at once, to hasten these into oblivion. Dr Morse, in his appendix, expressly says, 'as fast as possible, let Indians forget their own languages, in which nothing is written, and nothing of course can be preserved, and learn ours, which will at once open to them the whole field of useful knowledge.'

Is it their mode of life, tenure of property in common, their manners, — that which makes them in all externals to be what they are: — is it these, which we deplore as lost, and would fix and perpetuate where they still exist? No. The whole drift of Dr Morse's speculations on the subject is to gather the Indians all into convenient settlements, wean them from the chace, teach them individually to hold a farm in fee, and plough and dig it.

Is it their national faith, the religion of their fathers, their traditions, that we would cherish and perpetuate among them? Far from it. Their religious conceptions are notoriously of the grossest and most degrading kind, their traditions mere bloody recollections of prisoners scalped and tomahawked.

Is there any thing left then that we wish in fact to preserve? Nothing, in the last analysis, but the copper color; and why a civilized, christianized person, speaking our language, subsisting by regular labor, is any the better for being copper colored, we cannot see. But some will not leave them even this. Dr Morse quotes a respectable Frenchman who strongly recommends intermarriages, and is evidently not unfriendly himself to the suggestion; and the advantages are that it will ameliorate

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the manners of the natives, and *the offspring be nearly white.* All this may be well, but what becomes meantime of the Indians? The very efficacy of this course is to hasten their disappearance. This the shrewder natives themselves understand. They know that their identity consists in their manners, languages, mode of life, and religion. They know that to change these, to make them speak English, live on farms, and practice the civilized arts would be most directly to annihilate them as Indians! If this is the tendency of their civilization, and if, on a large scale of benevolence, we wish the promotion and extension, not of Indian virtue, Indian piety, and Indian knowledge, but generally of virtue, piety, and knowledge, what is the best course to be pursued in our land? If, when the pilgrims were about embarking for New England, the English government had wished to do a grand work of benevolence — to spread knowledge, virtue, and piety throughout the then savage continuent of North America; whether would it have been the more prudent and promising course, to secure the Indians on the soil by inalienable reservations, and then penetrate their land with missions; or do what was actually done — prohibit all violence and cruelty, and leave civilization and christianity to spread and be propagated by the multiplication of civilized and christian men.

Let no one do us the injustice to think that in these remarks we disparage the exertions making so successfully to establish *colonies of civilization,* in the western wilderness. The establishments at Brainerd and Eliot, and in the Arkansas territory, are admirable in their plan and must be the means of incalculable good. After what we have said, it is superfluous to add that we do not look to these schools and establishments as likely to effect what would be in fact a contradiction in terms, the establishment of communities of men in their physical descent Indians, but possessed of our arts and refinements and language. Could this be done, it would be entailing the disadvantage of a physical inferiority, a degraded color, on men otherwise equal to their white neighbors. But these establishments will perform far more practicable and benevolent services. In the change of races, in the process now going on upon the frontiers of substituting the white for the native population, much suffering, vice, and misery are undoubtedly produced. The lawless character of the pioneers of civilization, the base self-interest of the private traders and hunters to stimulate the passion of the Indians for intoxicating liquors, the languishing existence of the tribes who have lost the scanty and imperfect virtues of barbarity and acquired only the vices of civilization, must cause, on the frontiers, and among the Indians near them, much misery in the power of these establishments to relieve. The rescue and education particularly of the children of these unhappy tribes is certainly an eminent work of charity, and as it is not to be expected that those who have been trained to all the arts of civilized life will return to the forests for husbands and wives, intermarriages between the educated natives and whites will take place, and thus the absorption of the former in the mass of the latter be hastened.

We should regard the erection of the institutions in question as highly propitious, were it only as calculated, by degrees, to furnish the government with persons well prepared to discharge, conscientiously and faithfully, toward the natives the duties of agents, overseers, interpreters, and whatever other function is required. We have no doubt everything has been done that the government could do, to protect the interest of the Indians; but in general civil governments can command only money and force. But gold and the sword, though efficacious agents, often leave much to desiderate, in the manner of operation. The instrumentality of the members of these establishments, whose sole object is to protect, benefit, and serve the natives — factors of benevolence, who come not to cheapen beaver and buffalo, but to teach the ignorant and serve the friendless — soldiers of the cross, bound on no expedition of violence — must be most benign. Hitherto in the nature of things, the Indian has hardly known the white man, but in a form scarcely improved above his own, that of a skilful, thrifty savage. The twilight of civilization between them and us has been at least as near to darkness as to light; and much of the good it might have been in their power to receive from us has been obstructed by the prejudices they have imbibed against us, from the sorry samples of white men which they witness. The missionary colonies will present them the character of their powerful white neighbors, under a new and genial aspect. The establishments already founded, and others in contemplation, will form the nucleus of settlements of a kind scarce ever witnessed in the world, surely not on our western frontier. If the secular spirit can be kept out, with the increase of these establishments, and they continue to apply their resources as they multiply, with the zeal, disinterestedness, and singleness of view which are too apt to be confined to infant establishments, they will prove blessings to the western country. The first furrows turned up in that wilderness of humanity will be planted with good seed; and we shall see the fruits of it in a milder and softer character in the population of the new states, which spring up in the valley of the Missouri and of the Mississippi. . . . □

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Jeremiah Evarts

1830

A lawyer (Yale) and philanthropist, Evarts devoted most of his life to religious work. In this essay he examined Congressional debate from the viewpoint of Indian rights.

Removal of the Indians

Perhaps no question, since the organization of the general government of the United States, has attracted more attention among the thinking members of our community, than the present controversy respecting Indian rights. Other questions have borne a more immediate relation to the present interests of the people. Embargo, war, commerce, the triumph of one political party and the defeat of another, are topics in which the mass of the inhabitants of a free country feel a deep interest, and on which they express their feelings strongly and simultaneously. It cannot be expected, that the condition of a few tribes of secluded Indians should at once claim and secure the sympathies of millions, who are occupied, if not engrossed, by their own pursuits, and who spend little time in contemplating the sufferings of men whom they never saw, or in attempting to redress grievances, which are totally different from any that are likely to be imposed upon themselves. Yet, with all the disadvantages of their situation, the Indians have found many thousands among the most intelligent, virtuous, and honorable of the American people, who would deal justly and faithfully by them, and who would make personal sacrifices of time, labor, and money, to protect and defend their rights. Indeed, so far as the people of the United States understand the subject, and are free from the influence of violent political partialities, their feelings are almost universally favorable to the claims of the Indians. All profess to wish well to the remnants of tribes still among us, and doubtless the great majority, with the qualification just mentioned, are sincere in their professions.

On the subject of the rights of the American aborigines, there has been much loose reasoning, and some quite as loose morality. It will be found, however, that respectable writers have more frequently been led into error by stating extravagant cases, and raising imaginary difficulties, than by examining the foundation of title to lands, or by looking at facts, as they took place on the settlement of this country.

Much of the writing on the subject has been provoked by vehement and sweeping censures of the conduct and policy, pursued by colonists from Europe. The occasion of these censures, it was supposed, could be removed in no other way, than by making out for Europeans a paramount title, partly on the ground of superior civilization, and partly because they were commonly in the habit of using land for tillage, which was not generally done by the original inhabitants of America.

It is to be remembered, also, that self-interest has always been able to engage advocates to enlarge, fortify, and defend, the pretensions of the whites; while the Indians have had no logicians to expose the sophistry of those, who would make 'the worse appear the better reason;' nor counsel, learned in the law, to study and plead in their behalf; nor historians to gather up and preserve the evidence of acknowledgments in their favor, or of the wrongs they have suffered. Orators they have had, the power of whose eloquence has a thousand times frustrated the schemes of the greedy speculator and the intriguing agent; but these schemes were always renewed and repeated till they became successful. The eloquence, by which they were resisted, was evanescent; but the motives by which they were prompted, never ceased to operate.

The discussions of the last nine months, especially those upon the floor of Congress, have brought before the public, it may be presumed, all the theories upon the subject of Indian rights, that have ever been promulgated. We are not able to mention a political measure, or a legislative act, that exhibited in Congress more decisive proof of elaborate investigation, than appeared in the debates on the bill to provide for the removal of the Indians. In preparing the present article, we have made free use of the materials supplied by these discussions, whenever they appeared to suit our purpose.

The question that presents itself, at the very threshold of the discussion, is, *What were the relative rights of the North American Indians, and of the early discoverers, to the lands of this continent?* On this question we shall briefly express an opinion. It will be satisfactory to ourselves; though we would by no means enforce it dogmatically upon our readers. When disentangled from all extraneous topics, it is a question on which every honest and intelligent man can easily form an opinion for himself.

We say, then, that the discoverers of America had a right to take possession of such parts of this continent, as they found unoccupied by human beings. This right they derived from the Creator of the world; and it cannot be disputed. But when they found portions, (even if those portions amounted to the whole,) occupied by the original inhabitants, the discoverers had no right to eject the possessors. How is it conceivable, that the mere discovery of a country should give the discoverers a title paramount to the title of natives, whose ancestors had been in pos-

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session from time immemorial? The mere statement of the case shows the inherent absurdity of a claim, which has been so often made, that many people seem to think it reasonable.

But, it will be asked, is an Indian to hold possession of a country, merely because he once chased a deer over a tract containing a thousand square miles? Were we disposed to be captious, we should answer this question by asking, whether a ship-master can *take* possession of land by sailing within sight of it? The Indian may as well hold possession in one case, as the ship-master take possession in the other. The fact is, that neither of these acts amounts to a possession.

Let us make this matter a little more practical. We will suppose that an English discovery ship, followed by a little colony, sailed along the coast, from the bay of Fundy to the mouth of Penobscot river; and, finding no inhabitants, landed there and began a settlement. After a few months, an Indian visits the new comers, and tells them that they are occupying his land, to which he can by no means consent. They ask him, by what right he claims the land; where he lives; and what his employments are. He frankly replies, that he claims the land between the Penobscot and the bay of Fundy, because some ten years before he spent a month there in hunting and fishing; that his principal residence is on Connecticut river, where he has a little patch of corn and pumpkins; that he sometimes visits Hudson river and lake Champlain; but that he probably never should have come to the Penobscot again, unless he had heard of intruders taking possession of his land.

The colonists, if they were kind-hearted and honest men, would hear him patiently, and assure him, that they did not intend to encroach upon any man's land; that he had not made out a title; that he neither had possession of the land, nor had he the slightest pretence for desiring it; that they would not molest him upon Connecticut river, and he must not molest them in their new settlement. If, in such a case, the Indian were to collect his countrymen and make war upon the colony, he would be the aggressor; and the colonists might as properly defend themselves against him, as against any other assailant.

It ought to be said here, that probably no North American Indian was ever so silly, as to make a formal claim, like the one which has been described. The case was stated, in order to answer the question so triumphantly asked by various writers, whether the chasing of a deer over an immense tract of country gives the Indian a right to exclude civilised men from that tract? It is plain enough, that a single hunting excursion is not an actual possession, though it is a great deal more than a mere discovery from a ship's deck; and it would furnish quite as valid an objection to a new settlement by civilised men, as to a new appropriation to purposes of hunting by other Indians.

We do not deny, that there may be cases, where discoverers may be debarred from taking possession of unoccupied lands, on the ground that they might probably be dangerous neighbors. If honest and reasonable fears were entertained on this score, by the original inhabitants in the vicinity, the new comers ought not to complain, if required to give proof, by a just and humane intercourse, of the most upright and honorable intentions. We go upon the assumption, that honest men can always establish a character for honesty; such a character, as that other men, civilised or uncivilised, will not be afraid to trust them. Certainly the inconvenience is much less, that colonists should be obliged to establish a character for themselves, than that the native inhabitants of a country should be obliged to take every adventurer to their bosom, without stopping to ascertain whether he is a viper or not.

We have supposed a case of unoccupied lands. It is believed, however, that very few such tracts were found by the early discovers; and that these few were of very small dimensions. The American continent was generally, though sparsely, inhabited; and most of the inhabitants had a permanent residence, within known limits. We will therefore look a little at facts, as they existed on the Atlantic coast, during the seventeenth century. Colonists arrived in rapid succession. The natives were in the actual occupancy of the soil. Their possession was in no sense fictitious, or constructive. There were multitudes of places, which had not been vacant of inhabitants from the times of the remotest tradition. Other places were visited periodically, and regularly, for purposes of hunting. It appears to us, that both these kinds of possession were perfectly good; and that an attempt to divest the natives of their country, thus in their possession, on any plea of discovery, is not only monstrously unjust, but is an insult to the common sense of mankind.

We shall be asked, whether this continent should be left in a state of perpetual wildness, covered with interminable forests, and unsubdued by the labor of man? We simply answer, that the plainest rules of morality forbid us to appropriate to ourselves the property of others without their consent. The question about excluding civilisation from a whole continent is a very imposing one. It proceeds upon the assumption of some vast state necessity, some uncontrollable urgency of the case, which could not be resisted without opposing the manifest designs of Providence, and disregarding the comfort of mankind. But this assumption is altogether a mistake. The natives of America, whenever kindly treated for any length of time, were easily induced to receive European settlers as their friends. The question has no practical application to the natives at all. They did not keep perpetual guard on their shores to drive off new settlers. Many of them felt gratified to have white men come and share their country with them. In short, there was little difficulty in obtaining from the natives an honest and peaceable possession of lands, on every part of the coast. The necessity, therefore, which makes so prominent a figure in all discussions of this subject, never existed. Should the question still be pressed, and should we be required to answer what we would advise, in case a new world should now be discovered, the inhabitants of which should pertinaciously refuse to

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sell their lands, or to admit strangers, we reply, that no code of political morality should be introduced into the new world, which was not held to be sound and genuine morality in the old.

If, in the sixteenth and seventeenth centuries, the sovereign of a populous country might take possession of a sparsely settled territory belonging to his neighbor, merely because he could put the land to a better use than his neighbor was inclined to do, Europe might have afforded opportunities enough to carry the principle into practice. Large portions of Prussia, Poland, and European Russia were at that time very thinly inhabited. When such a chapter had been fairly inserted in the law of nations, and had been found convenient in its application to such a power as Russia, it would be quite soon enough to force it upon the natives of America. The Christian powers of Europe made what they called the Law of Nations. Why not first apply their own law to themselves? If it may be forcibly demanded of a community, which has much land and few people, to give a part of its land to a populous neighbor, why not make a great international agrarian law, by which Europe should be parcelled out to the different nations, in a compound ratio, having regard to the number of souls, and the relative productiveness of the land?

Even in our own days, there are many places upon the Eastern continent, where land might be claimed by all the arguments, which are set in such formidable array against the possession of the American Indians. Vattel speaks of 'erratic tribes.' How many hundred erratic tribes of Tartars are there? How many of Arabs? The Tartars (at least many of them), pay no attention to agriculture, and are scarcely more civilised than were the associates of Powhatan, or king Philip.

The fact is, that the great title to land, from the days of Noah to the present time, both in respect to communities and individuals, has been a *lawful occupancy;* that is, an appropriation to one's own use of what previously belonged to nobody; or a possession fairly derived from a previous lawful possessor. The formality of deeds, and covenants, and guaranties, has respect to the evidence of title, and not to the substance of it. Over a great part of the world, indeed, the law of the strongest has been the only governing rule of action. But wherever nations, or individuals, have pretended to respect each other's claims, and to act upon principles of moral rectitude, the title to property has not been made to depend upon the use to which the possessor applies his property. He must, indeed, so use his own as not to injure his neighbor; but more than this he is not required to do. Nations are not to be asked, whether they gain their subsistence by hunting, pasturage, fishing or agriculture, before it can be determined, whether they have a title to their own country or not. The only question, which an honest man need to put, is, Have you a lawful possession of a country within known boundaries? If this question can be answered in the affirmative, the whole matter of title is forever at rest.

The United States would contend with a very ill grace for the doctrine, that unsettled lands may be seized by those, who need them for the purpose of cultivation. How many millions of the people of France, Germany and Ireland might appropriate to themselves good farms in the States of Indiana, Illinois and Missouri? Why should they not take immediate possession and set up their own forms of government?

It is worse than idle to say, that an uncivilised man has not the same title to property, that a civilised man would have, in the same circumstances. There is not, there never was, a law of nations that explicitly made this distinction. It is admitted, that an Indian has as good a title to his canoe, as an English merchant to his ship. Why not as good a title to his landing-place, his little island, and his wigwam, as an English gentleman to his park and his villa?

When the colonists landed on the American coast, they brought with them charters from the kings of Europe. It may be worth while to spend a few moments in the inquiry, *What were the legitimate uses of these instruments?*

It is very obvious to the attentive reader of history, that the right of discovery was set up by the maritime nations of Europe rather against each other than against the aborigines of America. The master passions of ambition and avarice were excited and inflamed to an astonishing degree; and all the great discovering powers aimed to grasp as much as possible of the new continent. Spain and Portugal could not engross the whole. England and France would come in for a share. In these circumstances, it became gradually established, that one power should not interfere with the settlements of another; and boundaries were agreed upon, within which the subjects of the respective powers might, exclusively of all other Europeans, carry on their commercial enterprises, and make their respective settlements.

Stipulations of this kind were mutually beneficial. They prevented many collisions, and were neither in themselves, nor in their tendency, injurious to the natives. Still, the adoption of such a course was entirely optional with the discovering powers. Any one of these powers, in accordance with the principles already stated, might take possession of any unoccupied land upon the American continent; or might purchase of the natives any land not previously sold by them to Europeans. How far a possession, thus lawfully obtained, should extend in every direction, would be a matter of sound judgment, or of reasonable construction. The Spaniards were not entitled to be the sole visitors of America, merely because Columbus discovered it. The fact that Henry Hudson entered the river, which now bears his name, furnishes no good reason why new settlers from four different nations might not have obtained lawful possession of Long Island, Connecticut, New Jersey, and the west bank of the Delaware. All that an infant colony could rightfully demand of other infant colonies, was, that they should not plant themselves so near, as to cut off those resources, which were necessary to its existence and its comfort. If there had been no conventional arrangement, therefore, between the sovereigns of Europe, the subjects of any one of these

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powers might have made settlements upon any unoccupied lands, or upon any lands of which possession could be fairly obtained.

A charter granted by a King of England, for instance, to certain individuals among his subjects, legitimately implied the following things; first, that he would guaranty the territory, which he had granted, against the claims of any other European power; secondly, that he had not granted, and would not grant, the same territory to others of his subjects; and thirdly, that the grantees were to hold the territory, when actually settled, as a part of his realm, under such principles of jurisdiction and legislation, as might be properly applied to other parts of his realm. So much would be fairly and naturally implied in giving and receiving a charter. Specific conditions might be inserted, at the pleasure of the King, which, if assented to, would bind the grantees; provided, however, that the conditions did not invade the inalienable rights of his subjects, nor of any other persons.

But nothing can be more extravagant than to suppose, that the charter of an English king could deprive of their rights the inhabitants of a distant continent; or that their title to land or rivers could be in the slightest degree invalidated by the magical effect of a parchment, signed by a man of whom they never heard, and who knew nothing of the regions which he conveyed, nor of the people by whom these regions were inhabited. Several of the charters conveyed territory bounded by lines of latitude, and extending from the Atlantic to the Pacific; and certainly the King of England had as good a right to take lands from the natives of California as from the natives of Cape Cod. If he could properly drive a Narraganset from his fishing hut, at the mouth of Newport harbor, he might seize the beaver-traps of the Sioux on the head waters of the Mississippi. If he might, by the mere force of his royal prerogative and as the head of a discovering nation, hold a single mile on the Atlantic coast, against the will of the original owners, he might seize and hold the entire continent, so far as the rights of the natives were concerned. To the consequences of such a doctrine we may advert on a subsequent page.

We have spoken of the legitimate meaning and effect of a royal charter. In point of fact, however, the kings of Europe did, in some instances, assert the right to subdue the natives by force, and to appropriate their territory, without their consent, to the uses of the colonists. The King of Spain founded this right solely on the grant of the Pope, as the vicegerent of Christ upon earth. The Kings of England, in the sixteenth century, placed it on the superior claims, which Christians possessed over Infidels. Spain acted in accordance with her principles, and treasured up a fearful amount of guilt and infamy, which will be remembered against her so long as the history of this continent shall be known. It is a pleasing consideration, however, that there were individuals, even in the court of Spain, who utterly disclaimed and rejected these absurd and tyrannical doctrines. Mr. Huntington, in the course of his researches on the Indian question, ascertained, that the civilians and crown lawyers of Spain gave their advice against receiving the Pope's grant; and 'one of the bishops in a treatise dedicated to Charles V., uses this strong language: "The natives of America, having their own lawful kings and princes, and a right to make laws for the good government of their respective dominions, could not be expelled out of them, nor deprived of what they possess, without doing violence to the laws of God, as well as the laws of nations."'

This opinion is so obviously just and reasonable, that it would not seem deserving of particular praise, had it not been pronounced in a period of great superstition, and in opposition to the doctrines, then prevalent, of unbounded ecclesiastical and regal prerogative. But what words can express the indignation of every honorable man, that in the United States, and at the present day, the attempt should be made to prove, by the weakest and vilest sophistries, that the natives of America had no rights, either of territory or government; and that the discovery of a cape, or an island, was a constructive possession of a tract of land extending across the continent?

The charters given by British kings, during the seventeenth and eighteenth centuries, are generally silent respecting the natives. Lands, rivers, and so forth, are granted, in precisely the same manner, as if there had been no inhabitants. This course was very far from being honorable. The rightful occupancy of the Indians should have been explicitly acknowledged, and a fair and lawful manner of purchasing their title should have been prescribed. The very silence of the charters on this subject shows, that the extravagant claims of the sixteenth century were abandoned, as utterly untenable. It shows also, that there was a grasping desire on the part of the European monarchs, which was altogether unjustifiable, and a disposition to leave the Indians to the arts and the cupidity of adventurers. If religious persecution had not driven to these shores some of the best and most honorable men in the world, it is not improbable that serious encroachments would have been made upon the rights of the North American Indians, under color of the royal charters. A few details can be gathered from the early history of this country, which indicate an undue reliance upon these charters; but we have seen no evidence, that the Indians were, in a single instance, deprived of their lands, under any pretence of right to these lands, subsisting in the King of England.

It is true beyond all question, that the early settlers at Plymouth, at Salem, at Saybrook, and, as a general rule, all along the Atlantic coast, purchased the lands upon which they settled, and proceeded in their settlements with the consent of the natives. Nineteen twentieths of the land in the Atlantic states, and nearly all the land settled by the whites in the western states, came into our possession as the result of amicable treaties. The small portion, claimed by right of conquest, was wrested from the Indians in strenuous war. It was no fictitious or constructive conquest. Every inch of ground was contested; and most of the wars, which issued in acquisition of territory from the Indians, were forced upon our fathers, and were strictly defensive on their part. Some small por-

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The destiny of the Indians, who inhabit the cultivated portions of the territory of the United States, or who occupy positions immediately upon their borders, has long been a subject of deep solicitude to the American government and people. Time, while it adds to the embarrassments and distress of this part of our population, adds also to the interest which their condition excites, and to the difficulties attending a satisfactory solution of the question of their eventual disposal, which must soon pass *sub judice*. That the Indians have diminished, and are diminishing, is known to all who have directed their attention to the subject. For any purpose we have in view, it is not necessary to go back to the remote periods of aboriginal history, and investigate the extent of the population, and their means of subsistence, and to calculate the declension of the one, and the reduction of the other, as the white man advanced in his progress from the seat covered by a buffalo robe,* first given to him on the shore of the ocean, to the dominion he now enjoys. Such an inquiry would be vain and useless. The materials for any comparative estimate of Indian population at different periods, are scanty and unsatisfactory, collected without care, and combined without judgment. They are in fact but vague estimates, received and given in a spirit of exaggeration, and serving little more than to exhibit the probable relative strength of the various tribes.

But although precision be unattainable, and, we may add, unimportant, yet the principal facts are indisputable. The Indians have gradually decreased since they became first known to the Europeans. (The ratio of this diminution may have been greater or less, depending on the operation of causes we shall presently investigate; but there is no just reason to believe, that any of the tribes, within the whole extent of our boundary, has been increasing in numbers at any period since they have been known to us.) This opinion is expressed by the Superintendents of Indian affairs, in the report submitted to Congress at its last session, by the war department; and from the favorable opportunities possessed by those officers, of acquiring correct information upon this subject, their opinion must carry with it considerable authority. The whole amount of Indian population, within the United States, east of the Mississippi, is estimated in this report at 105.060, and is divided as follows.

Within the states of Maine, Massachusetts, Rhode Island, Connecticut, and Virginia	2,573
The state of New York	4,820
Pennsylvania	300
North Carolina	3,100
South Carolina	300
Georgia	5,000
Tennessee	1,000
Ohio	1,877
Mississippi	23,400
Alabama	19,200
Indiana	4,050
Illinois	5,900
Territory of Michigan	29,450
Florida	4,000
	105,060

It will be seen, that in the original states the primitive stock has been reduced to 16,093 individuals, and that three fourths of the number now surviving, in the whole of the vast country east of the river Mississippi, are found in the states of Alabama and Mississippi, and in the Territory of Michigan, where the pressure upon them is now beginning to be felt, and will bring with it the usual process of deduction.

In the same report, the number of Indians west of the Mississippi is thus estimated,

Between the Mississippi and the Rocky Mountains	108,070
Within the ranges of the Rocky Mountains	20,000
West of the Rocky Mountains	80,000

Making a general aggregate of 313,130, within the United States, extending over twenty-four degrees of latitude and fifty-eight degrees of longitude. And these are the remnants of the primitive people, who, only two centuries ago, possessed this vast country; who found in the sea, the lakes, the rivers, and forests, means of subsistence sufficient for their wants.

It would be miserable affectation to regret the progress of civilization and improvement, the triumph of industry and art, by which these regions have been reclaimed, and over which freedom, religion, and science are extending their sway. But we may indulge the wish, that these blessings had been attained at a smaller sacrifice; that the aboriginal population had accommodated themselves to the inevitable change of their condition, produced by the access and progress of the new race of men, before whom the hunter and his game were destined to disappear. But such a wish is vain. A barbarous people, depending for subsistence upon the scanty and precarious supplies furnished by the chase, cannot live in contact with a civilized community. As the cultivated border approaches the haunts of the animals, which are valuable for food or furs, they recede and seek shelter in less accessible situations. The number of these animals may be diminished, but cannot be increased, by the interference of men; and when the people, whom they supply with the means of subsistence, have become sufficiently numerous to consume the excess annually added to the stock, it is evident, that the population must become stationary, or, resorting to the principal instead of the interest, must, like other prodigals, satisfy the wants of to-day at the expense of to-morrow.

—*Caleb Cushing*
"*Removal of the Indians*" (January 1830)

* The Indian tradition respecting the quantity of land first given to the white men.

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tions of territory were abandoned by Indians, because they preferred to live at a greater distance from the whites.

In a word, the first settlers of the Anglo-American colonies, and of the Dutch colony on the Hudson, purchased lands of the Indians, or professed to have purchased them, in the most honorable manner. Although doctrines were sometimes asserted in theory, which would have abridged the rights of the Indians, yet we do not find in practice a single demand of territory from them, on the ground that the king of England had granted it to some of his subjects. The practice was all the other way; and every purchase of land from the Indians was made in such a manner, and under such circumstances, as to be a fair and full admission of their *right to sell;* and, of course, an admission of their original title.

At an early period of the settlement of Massachusetts, as we learn from Hutchinson's history, the most ample and explicit declarations were made by our fathers to this effect; viz. that the natives had derived from God a perfect title to their country; that they were subject to their own government, and to no other; and that no human power could divest them of these rights.

Soon after the emigration commenced from Boston and its neighborhood to the banks of Connecticut river, murders were perpetrated by Indians residing not far from Springfield. The governor sent to Mr. Pynchon, the magistrate or leading man of the new settlement, directing that the murderers should be apprehended for trial and punishment. Mr. Pynchon declined obeying the order; and, among other reasons, assigned the fact, that the Indians were not under the jurisdiction of Massachusetts. This fact is stated with admirable clearness, as follows: 'I grant that all these Indians are within the line of the patent; but yet, you cannot say they are your subjects, nor yet within your jurisdiction, till they have fully subjected themselves, (which I know they have not,) and until you have bought their land. Until this be done, they must be esteemed as an independent, free people.' This passage indicates a discriminating mind and an honest disposition. It is in the true spirit of our declaration of independence, issued more than a hundred years afterwards, in which we asserted, that governments derive 'their just powers *from the consent of the governed.*' In this extreme case of actual murder, committed by Indians near the white settlements, and within the chartered limits of the colony, this magistrate had the candor to admit, that the perpetrators were not amenable to the laws of the whites, because they had never subjected themselves to those laws. The reason was admitted by the governor to be valid. The only method of proceeding against the Indians would have been to demand satisfaction, and, if it should be withheld, and the cause should have been deemed sufficient, to declare war in the last resort.

It is true that the colonists, and sometimes the agents of the government at home, talked to the Indians about the grandeur of the English monarch, the number of his people, the greatness of his power, his willingness to protect his friends, and his ability to punish his enemies. In these discourses, some vague expressions about his sovereignty were doubtless uttered; but always in such a sense, as to lead the natives to think that it was a great benefit to live under the king's protection; that his character was altogether paternal; and that living under his care implied only, that Indians living in this manner were not to join the French or the Spaniards, and were to remain secure in the possession of their lands, liberties, and laws. No instance has met our eye, nor has it been intimated in the late discussions, that any instance can be found, in which an English colony, or an English agent, told the Indians, that they had no right to the lands on which they were born; that the king of England had granted their country; and that they were now subjects of the king, amenable to his laws; all their own laws and customs being abolished by his order. There would have been as little safety as honesty in making such a proclamation, at any period of the colonial history.

Treaties were made with the Indians from the first. Some of them were observed on both sides, with exemplary fidelity. When differences arose, and wars succeeded, the change of feelings and of circumstances was often owing to the improper conduct of individuals. Even war did not always, nor often, prevent a return to a regular diplomatic intercourse. Treaties were made, in numberless instances, and in every part of the continent, founded on stipulations, which implied as much actual and rightful independence on the part of the Indians, as on the part of the whites.

About the middle of the last century, alliances with the Indians became very important, and were much sought by the English and the French. The terms of these alliances usually were, an engagement of protection, accompanied with presents, made by the European power to the Indians, and the admission of a qualified dependence by the latter. It was never understood, however, that the Indians were to be deprived of their lands without their consent, or that their laws and customs were to be in any manner affected. Before the commencement of the revolutionary war, the policy of Great Britain had become fixed and uniform on this subject. The Indians were not to sell their lands to individuals, nor to the enemies of the king. They were to live under his protection, and to remain secure in the possession of their hunting-grounds and of their independence. Whenever they were disposed to sell their lands, the government alone could purchase; that is, the government, either of the colonies, or of the mother country, as the circumstances of the case might be. This right of pre-emption, and the cognate right of succeeding to the possession of any portion of the country which the Indians might abandon, or where they might become extinct, were claimed by virtue of discovery. All the principal tribes of Indians agreed, by formal stipulations, that they would not alienate their lands, except to the government.

Those who would stretch the right of discovery to such an extravagant extent, as not to leave the Indians any rights at all, allege, that the highest judicial tribunal in this country has decided, that the Indians have the

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occupancy merely, while the title to the land is in the government. From this statement, the terms of which seem not very favorable to the Indians, it is inferred, that the Indians have not, never had, and never can have, any title to their land; and, as the supreme court is justly and highly respected for the correctness of its decisions, the next inference is, that, in point of morality, there is no danger of encroaching upon Indians, for they have no rights either of person or property. Now in this interpretation of the opinion of the court, there are several great mistakes.

As to the title of the European sovereigns to Indian lands, as gained by discovery, the court simply declares what were the claims, laws, and practice, of the mother country and the colonies. The claims and the practice were uniform to this extent; viz. that the natives could not sell their lands to foreigners, nor to individual white men. Of course, the government could be the only purchaser, and the only successor to the Indian title. This right of pre-emption and of succession was called by the court *a seizin in fee*, or an ultimate title; it being the only remaining title, after the occupancy of the Indians should cease. The name given to the right of pre-emption could not in any manner affect the claims or the rights of the Indians, so far as the nature and the extent of their occupancy were concerned. The court considered the law to be as above described; and of course all judicial tribunals were bound so to declare it.

Not a few persons have supposed, that the mere recognition of the right of discovery, as above described, was tantamount to a declaration, on the part of the court, that the right of discovery, as claimed by European sovereigns, even in its greatest latitude, was reasonable, equitable, and binding upon the natives. This is a total mistake; and it originated from a misconception of the proper functions of a court of law. Such a court is bound to declare what the law is, and not what it should be. In every well regulated government, the legislative power is kept distinct from the judicial; and in Great Britain and America, this distinction is marked by plain and positive rules. A court can neither make, alter, nor repeal a law; nor does the announcement of a legal doctrine, or of an established usage which the court is bound to recognise, imply that, in the opinion of the court, such doctrine, or such usage, was originally wise and salutary. On the contrary, courts of law are often called to sustain and enforce particular acts of legislation, which the judges would by no means approve, if they were called to act as legislators.

It would be a hard case, indeed, if our judges were required to sanction, with the weight of their private character, as moralists, philanthropists, and Christians, all the laws, which, as parts of our code, they are bound to enforce. And, on the other hand, the laws of the country would be in a curious predicament, if they might be set aside, that is, repealed, by the court, whenever the judges, looking at them as philosophers or legislators, should deem them unwise or inexpedient.

The slave trade furnishes the best possible illustration of the subject. This trade was recognised as a lawful traffic by the highest courts of law in England, for a great length of time; and till it was made unlawful by positive statute. If a case had occurred in this country, (and, for aught we know, cases may have occurred,) it must have been pronounced a lawful traffic here, at any time previously to 1808. The same judges, who must then have sustained it as a legitimate commerce, must now declare it piracy, and sentence a man to be hung for engaging in it; and yet the private opinion of the judge as to its inherent enormity, may not have undergone the slightest change. Let it be understood, then, that the judges of the supreme court have only decided what the law is, respecting the right of pre-emption as founded upon discovery; but that they have not declared what they think would have been the wisest and best manner of regulating this subject originally.

For ourselves, we have no hesitation in declaring, that we consider the supposed right of pre-emption to be an encroachment upon the rights of the Indians. We cannot conceive how the sailing of an English ship in sight of Cape Cod should give the king of England any right to dictate to the Indians in Massachusetts, respecting the sale of their lands. We therefore hold, that these Indians might properly sell their lands to Frenchmen, or Spaniards, although an English vessel had sailed along the coast, and seen it, before the Frenchmen and Spaniards arrived.

Having said this, however, we feel bound to add, that the English government might lawfully prescribe on what terms English subjects should purchase lands of Indians; or it might forbid them to purchase as individuals at all. Great Britain and France might agree, that they would not purchase within certain limits; and such an agreement might be a great convenience to the parties, while the Indians could not justly complain of it. Proceeding one step further, the Indians might stipulate with the powers of Europe, that they would not sell their lands to individuals, but only to the governments respectively, with which the stipulations were made. Conventional arrangements of this sort might tend to peace, and to the promotion of the permanent interests of all parties. Such, very nearly, was the state of things, at the commencement of the revolutionary war.

The opinion, which we have expressed, as to the right of pre-emption, seems to us to be the obvious dictate of reason and honesty. How can one man assume the right of prescribing in what manner another man shall dispose of his own property? And how can there be one rule of morality and honesty for individuals, and another for communities? But we are willing to fortify our opinion a little by authority. About the middle of the last century, an English trader, by the name of Trent, purchased of Indians a large tract of land lying on the Ohio, and delivered them a considerable quantity of goods in payment. The deed was formally executed; and the contract was well understood by the parties. The question arose, whether this was a valid purchase, or not. Counsellor Dagge and Sergeant Glyn, two eminent English lawyers,

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gave a written opinion in favor of the validity of the purchase. They founded their opinion on the fact, that the Indians were the original possessors and true owners of the land. Of this opinion, dated in 1755, Patrick Henry, Benjamin Franklin, and Edmund Pendleton, gave their written approbation. There could be no question that, so far as the Indians were concerned, the sale was a good one, they not having at that time entered into any stipulation with the government not to sell to individuals. The only question seemed to be, whether Trent was not prohibited, by the regulations of his own government, from taking the grant. This was settled, we believe, (though we have not the authority at hand,) by the formal assent of the government to the transaction.

We have already remarked, that the mere act of buying land of the Indians was, in the circumstances of the case, an acknowledgment of their title. But it is alleged against our ancestors, that they obtained lands of the Indians at so cheap a rate, that it was no purchase at all; that this mode of acquiring lands was tantamount to a declaration, that the Indians had no title, and therefore had no claim to a compensation. These positions have been gravely taken and earnestly defended; and, as perhaps no subject has been more misrepresented and misunderstood, we think it worth while to spend a few moments in considering it.

The first settlers, it is said, gave the Indians for their lands only a few trifling articles, of little cost, and less intrinsic value; therefore the Indians were not admitted to have any title to their lands, and the contract was not binding on either party. This is a fair specimen of much of the reasoning on the subject.

It seems strange, that the purchasers should plead, that a bargain is not binding on themselves, for the simple reason that they obtained the lands at too cheap a rate. One would think, that the other party could demand to be released from the terms, with a better grace. But is it not a maxim, in all civilised countries, that a man can *give away* his property, unless it be charged with the claims of his creditors? His consent, fairly and deliberately yielded, is all that is necessary to a transfer of his property. In cases where a valuable consideration is necessary, the amount is not material. In a conveyance of a house and land, the consideration is equally valid, whether it be five dollars or fifty thousand.

The great thing to be obtained of the Indians was their *consent* to the settlement of their country by whites. Many fair and honest arguments could be used with them, and were used in fact, to induce them to give their consent. They were treated altogether as reasonable beings, and not as brute animals. In every part of the continent, they showed themselves to be possessed of a very good share of natural sagacity. They were told that the settlement of Europeans among them, or near them, would be much for their advantage; that, in this way, they would have a regular traffic secured, by which they might procure articles of essential value to them; that they would thus greatly improve their condition; that the British king was powerful and would defend them against all foreign nations; that, if they would acknowledge him as their great Father, he would regard them as his children, and protect them against every species of injustice; and especially that their lands should not be taken from them, or settled, without their consent. These declarations, and many more of the same general nature, were made to the Indians, all along the coast. In some instances, they were persuaded by these arguments, much more than by the accompanying presents. They received the whites as brothers; they were proud of them as neighbors and allies. The cases were not few, in which strong personal friendships were formed between the red man and the white; friendships, which were maintained with perfect fidelity during the lives of the parties.

Now it appears to us, that such a consent is binding upon the Indians; and that, if not a farthing of property passed from one party to the other, the possession of the whites, thus obtained, is good in law, in honor, and in conscience. Indeed, if the whites had been hired to come and settle, and the Indians had given the skins of all the beavers, which they could catch in ten years, as an inducement, the possession of the whites would not be the less lawful on that account; nor would the title of the Indians to their remaining lands be in the least degree invalidated, because they had freely given away a part, with the design of gaining kind and valuable neighbors.

If the Indians had a right to give away their lands, they surely had a right to sell them at a low price. But there was in fact, no reason to complain of the price. The settlers usually gave as much for land as it was then worth, according to any fair and judicious estimate. An Indian would sell a square mile of land for a blanket and a jack-knife; and this would appear to many to be a fraudulent bargain. It would, however, by no means deserve such an appellation. The knife alone would add more to the comfort of an Indian, and more to his wealth, than forty square miles of land, in the actual circumstances of the case. And as to the white purchaser, the land could be of no value to him, till he had made it of value by his own labor. It is matter of history, that the English colonists as a body, so far as they had property, were great losers by their settlement here. They were noble spirited men, and property was not their object; if it had been, they would have been egregiously disappointed. Not one in a hundred could have sold his house and farm, (either ten, fifteen, or twenty years after the settlement,) for as much as they had cost him, at a fair estimate of the labor bestowed, without reckoning any compensation made to the Indian proprietor.

It might be curious to ask these scrupulous men, who say that the Indians ought to have received a greater price for their lands, *How the proper standard could be fixed?* Our ancestors were not prophets. They were not certain but that their settlements would fail, as other settlements had failed before. If they should succeed, the settlers could not tell what the intermediate difficulties would be; nor how many reverses must be experienced before they should be successful. But suppose they had been assured, when Boston was settled by the pilgrims

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in 1630, that lands on Ann-street would sell for ten pounds an acre in 1670; that lands on Washington-street, between Summer and Bedford-streets, would rise to the same value before 1700; that lands in the west part of the peninsula would be taken up for building-lots soon after 1800; and that the site of an insurance-office in State-street would be sold for fifteen pounds a square foot in 1825. How would all this affect the price, which they were bound to offer to the Indians? By which of these prices were they to regulate their offers? These facts, seen with absolute certainty beforehand, would not have proved that the land, on which Boston has been since built, was worth a farthing in 1630.

There are millions of acres of land in the Carolinas, which would not at this moment be accepted as a gift; and yet, as a planter of credit and character assured the writer of this article, much of this land will produce, with very little labor, one hundred and fifty bushels of sweet potatoes to the acre. Two hundred years hence, it will probably bring a hundred dollars an acre. Perhaps some of those kind-hearted gentlemen, who think that our ancestors dealt hardly by the Indians, in giving them so small a price for their lands, would like to purchase some of the best tracts on the Columbia river; or, if they prefer an inland district, some of the best intervals near the head waters of the Yellow Stone. These tracts are now in the possession of Indians, and if any man thinks he ought to give the same price for them, as he would be obliged to give the present owners of lands on the Connecticut, or the Susquehanna, for an equal number of acres, he can doubtless act accordingly. The probability is, that within two hundred years, every acre of land in North America, which shall then be capable of cultivation, will command a good price.

Dr. Dwight has, somewhere in his travels, perfectly vindicated our ancestors from any just imputations on this subject. Among other facts, he mentions the following — One of the first settlers of Northampton, a few years after the settlement began, and the Indian title was extinct, made a bargain, in which it was left optional with the other party to take five shillings or several hundred acres of land in that town—the money being deemed a fair equivalent for the land, which was then the undisputed property of a white man. The whole matter is summed up by Dr. Dwight, in the very sensible and forcible remark, that land in America, when our fathers first came hither, '*was like water, too abundant to be the subject of price.*'

Perhaps it will be asked, if land was so abundant as not to be the subject of price, how could there be any title to it? and why might it not be taken from the possessors without their consent? We answer, that the abundance of a thing has nothing to do with the title to it. A man worth a million of money has as good a title to the last dollar as to the first, though a very small part is necessary for the comfortable support of his family. The master of a foreign vessel, anchoring in the river Thames, fills his water-casks without asking permission, or making compensation. Does it follow, that the waters of the Thames are of no value to the British people, and that the government has no jurisdiction over that river? When this continent was first settled, a few square miles of land were of little consequence to the Indians; but it does not follow, that after all the most eligible parts of the continent have passed into the possession of the whites, the small remnants of good land now inhabited by the original proprietors are without value to them; much less, that they have no title to their land, because it is alleged to have been formerly of no value. The reason why land, in the possession of Indians, was formerly of little value, has long ceased to exist. Then, if they sold a tract, they had interminable regions remaining; now, they have not enough left to enable them to keep their community separate from the whites. As the quantity in their possession has diminished, its value has become enhanced as a matter of course. But neither the diminution of quantity, nor the enhancement of value, has any thing to do with the validity of the title.

Unless we greatly deceive ourselves, the candid reader of the preceding pages will agree with us in the following conclusions; viz.

That the original possessors of this continent had a perfect title to such parts of it as were in their actual possession, when it was discovered by Europeans;

That whether this title were recognised or not by English kings, or English courts of law, it should now be allowed in the fullest manner, by every correct moralist and every statesman;

That although discovery gave a right to take possession of unoccupied parts of this continent, it gave no right whatever to dispossess the natives of any lands, which were known to be theirs, whether used for hunting, fishing, pasturage, mining, agriculture, or any other purpose;

That the consent of the natives was necessary, before the whites could take lawful possession of Indian lands;

That although the kings of Europe might agree among themselves as to the limits within which they would purchase lands of the Indians, and might prescribe to their subjects, respectively, the manner in which purchases should be made; yet that the Indians were not bound by any of these measures, till they had voluntarily assented to them;

That the Indians, like all other people, are competent to bind their respective communities by compacts or treaties;

That, whatever doctrines may have been asserted in theory, the practice of the early settlers, and of those who succeeded them, were based upon the foregoing principles; and

That, previously to the American revolution, the right of the Indians to the peaceable occupation of their own country, till they should voluntarily relinquish it, was fully admitted by the government of the mother country and of the colonies, and was sustained by the deliberate opinion of some of the ablest men of the age. □

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Lewis Cass

1840

Cass was a Presidential candidate in 1848 and held, at various times, positions as Secretary of War, U. S. Senator from Michigan and Secretary of State; he was notoriously anti-British.

British Policy in Respect to the Indians

In the practical working of the political institutions of the United States, amid innumerable and vastly preponderating advantages which they possess, there will be, of course, as incident to all human institutions, some defects. Among these, we have continual cause to lament the undue prominence in the public mind, which trivial and secondary questions, the petty issues of petty party controversy, are allowed to usurp, to the postponement or neglect of matters infinitely more important in reality. The topics of popular discussion in newspapers and in conversation, as well as in the more formal and serious public debates, and the action of the government, make the fact to be continually obvious. Thus, in Congress, for minutes occupied in things of true consequence, hours, nay, days are consumed on trivialities, which will speedily be forgotten, and pass away for ever, as transitory and as insignificant in themselves as the motes, which play in the sunlight of a summer's noon. It has been so under every administration, of whatever party or opinion, the United States have seen. Hence it was, that the intrigues of the British companies among the Indians of the United States, and their general intrusion into our territory in the region of the Upper Mississippi and Upper Missouri, though repeatedly the subject of complaint and remonstrance on the part of observant men, as in this case of Captain Lewis, did not engage due attention from the government, until those intrigues and that intrusion resulted in the conclusion to have been anticipated from them, a general Indian war, which ravaged and desolated the whole region of the United States on the Ohio, the Lakes, and the Upper Mississippi. Transferred to another part of the territory of the United States, the same British companies, we fear, are now preparing the same *dénouement* of a like tragedy, by the same means, which failed to arouse the active resistance of our government of old, until savage massacre and conflagration burst on our western settlements; but the operations of which, it is to be hoped, the government of the United States, warned by that example, will arrest by measures of suitable energy. True, the Executive of that day saw the evil; true, he desired to remedy it. But the measures adopted were temporizing and imperfect; for the unfortunate clause of Jay's Treaty remained in force, under which the traders of the Northwest Company pursued their enterprises within the limits of the United States.

Indeed, the government of Great Britain did not content itself with the intrusive acts and hostile intrigues of its traders in the Northwest. When the war of the Revolution broke out, it is too well remembered, that England enlisted against us the savage passions of the Indians, and made them her allies, or rather her instruments, in her unrighteous measures to distress the people whom she could no longer hold in servitude. The United States in vain strove to arrange an understanding with the English officers, to the effect of leaving the Indians to be neutral between the contending parties. In vain the eloquent denunciation, by Lord Chatham, of the barbarous warfare thus stirred up against us, thrilled all Europe. Still England persisted in the unhallowed course she had adopted. When peace had (nominally) been concluded, and the independence and territorial limits and rights of the United States were acknowledged, still England retained those posts of hers in the Northwest, within our territory, which enabled her to keep alive the animosity of the Indians, and to engage them in a bloody war, ending, after the infliction of incalculable injury upon us, in the prostration and almost destruction of the unhappy tools and victims of England's hostility against us.

Wayne's victory compelled the surrender of the posts. But thereupon, and from that time to this, ensued a series of acts on the part of England towards the Indians in the United States, contrary to every maxim of good faith, public morals, or public law. The Indians in the United States were kept by her *under regular annual war-pay*. Mackenzie mentions this as a familiar fact in 1801. Speaking of the British post of St. Joseph he says;

> "It is a place of no trade, and the greater part, if not the whole, of the Indians, come here *for no other purpose but to receive the presents which our* [the British] *government allows them.* They are from the American territory, &c." — *Hist. of the Fur Trade,* p. 45.

Hence, when the relations of the United States and Great Britain grew critical, Britain had her savage mercenaries all ready armed and ready maddened at her hand, and she had only to let slip these "dogs of war" upon us, to overwhelm the frontier States in calamities which no regular European troops would or could have inflicted. Afterwards, when the negotiation for peace took place, she pretended and endeavoured to secure to the Indians a guarantied and recognised dependence upon her, so that she should be their protector-general, and have them still at her beck. The idea of this project seems to have origi-

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nated with the same Mr. Atcheson, who suggested the miserable quibble, which lies at the root of the Northeastern Boundary Question. In a pamphlet of his, printed during the war of 1812, purporting to be a "Compressed View of the Points to be discussed by England in treating with the United States," he proposes to insist upon the dismemberment of the United States, by the conversion of the whole vast region north and west of the Ohio and the Lakes into an *Indian Empire*, under the jurisdiction of Great Britain. Referring to this curious pamphlet for ampler knowledge of the matter, we quote only a single paragraph as indicating the spirit of this precious plan. For men, he says, whose friendship has been recently shown to be of such great importance to us, we cannot do too much. We should see all their wrongs redressed. We should provide by treaty for the security of their territory and their rights. Great Britain should become "the avowed guarantee and protector of those rights and that territory." Such is in substance the language of this pamphleteer. And so said, so done. The proposition was gravely submitted by Lord Gambier and his colleagues at Ghent, and strenuously pressed, as the *sine quá non* of a treaty of peace. It, however, was indignantly and triumphantly repelled by Mr. Adams and his colleagues on behalf of the United States.

Nevertheless, England continued after the peace to do clandestinely what she had been unable to accomplish openly and honestly by treaty stipulation. The Indians of the Northwest were convened annually at a frontier point in Upper Canada, to make a periodical renewal of their fealty to England, and to receive the subsidy and munitions of war, which constituted the price of their present attachment, and the reward of their past as well as the earnest of their future services. If these acts of enormous wrong were not proved by incontestable evidence, they would be absolutely incredible. It is very much as if deputies of the republican party in Upper and Lower Canada should be annually convened at Detroit and Plattsburg, to be received and entertained there by public officers of the United States' government, to enter into engagements of allegiance to the United States, and to receive a regular distribution of arms and money to prepare and inspirit them for hostilities against the government of Great Britain. Would such acts be a violation of neutrality? Would they be compatible with British interests in Canada? Yet this is what England has done in the matter of these Indians, from the time of the Revolution down to the present day. Until very lately, this was cloaked under the disguise of being (as it was pretended) the unauthorized act of private individuals and traders. But the investigations of Parliament in regard to affairs in Canada, led not long since to the publication (inadvertent it may have been) of a despatch of the late Colonial Secretary, Lord Glenelg, addressed to Sir Francis Head, in which these dealings with the Indians happen to be incidentally referred to, and which shows, that the annual presents and payments made to the Indians at Amherstburg, Drummond's Island, and latterly at the Manitoulin Islands, were provided from the treasury of Great Britain, and formally delivered to the Indians by officers of the government.

This document, falling by good fortune into the hands of a member of Congress, was by him laid before the House of Representatives, and the attention of Congress, the Executive, and the country, was called to the fact. After which, the British government could no longer affect to treat this annual convocation of the Indians at the Manitoulin Islands as of no account, or as the unauthorized act of individuals; it being now distinctly seen to be a *war-subsidy* from that government to the Indians. Accordingly, that government, alarmed by its perception of the justification this practice, now known to be an official one, would legally afford to retaliatory acts on our part, and the countenance it would lend to the extension of aid by us to the patriots of Canada, has recently given notice to the Indians, that the distribution of the subsidy is to be discontinued. We have before us the "talk" of the British agent to the Indians on the occasion of that notice; and his speech contains the strongest possible avowals of the illegality and iniquity (as regards us) of the practice which England, nevertheless, had persisted in for half a century, in the face of two treaties of peace, and of a thousand professions of neutrality and good faith, in the very matter itself of the Indians of the Northwest.

This example, by the way, of the prompt and voluntary discontinuance of the subsidy to the Indians, upon the mere fact of complaints on the subject in Congress, tends to demonstrate the fallacy of the idea, that the peaceful relations of the two countries are likely to be disturbed by plain speaking on our part, in regard to any case of clear public wrong. It shows, that a timid silence on such things is the reverse of patriotism and good policy. It proves, that the true way to prevent the occurrence of that accumulation of small aggressions, which always ends in war, and so to prevent war itself, is to remonstrate fearlessly against each one of the small aggressions as they occur and become known, and thus procure their redress one by one, before they swell into the voluminous mass of injury, which national passion can no longer endure, and nothing but national force can terminate. □

"Britain has had her savage mercenaries all ready armed and ready maddened at her hand . . ."

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Christopher C. Andrews

1860

A review of the Reports of the Commissioner of Indian Affairs, 1855-58. A Harvard Law graduate who practiced in Minnesota, Andrews later became editor of the St. Paul DISPATCH.

Condition and Needs of the Indian Tribes

The improvement of the Indian tribes in the territory of the United States is a subject which appeals at once to the philanthropy and the statesmanship of the country. But the public mind slights it. We venture at this time to submit a few remarks in regard to the civilization of the Indians, and hope that, if they are of any worth, they may seasonably result in some practical good.

In the first place, it will be interesting to glance at the political condition of the Indians, our authority being the decisions of the Supreme Court of the United States and the opinions of the Attorneys-General. The Indian tribes are considered, not as foreign nations, but as domestic dependent nations. Chief Justice Marshall says of them: —

> "Their relation to the United States resembles that of a ward to his guardian. They look to our government for protection; rely upon its kindness and its power; appeal to it for relief to their wants; and address the President as their Great Father. They and their country are considered by foreign nations, as well as by ourselves, as being so completely under the sovereignty and dominion of the United States, that any attempt to acquire their lands, or to form a political connection with them, would be considered by all as an invasion of our territory, and an act of hostility."

They have a possessory title to the lands they occupy, subject to the sovereign title existing in the government by right of discovery. But that title is considered as sacred as a title in fee simple, until it is extinguished by voluntary cession to the United States. Within their territory they can make laws for their own government; but for acts done to our citizens in their territory they are answerable to our laws. They are not citizens, and cannot be naturalized under the general naturalization laws; neither are they capable of obtaining the public lands of the United States by pre-emption. We treat with them ostensibly as if they had the attributes of sovereignty; and yet they are virtually subjects. Our relations with them are peculiar, and such as are not known in the laws of nations. They resemble in some respects relations which existed under the patriarchal institutions of antiquity, and the best idea of which is perhaps conveyed in the common phrase of "our red children."* It may be further remarked, that Congress has declared that "all executory contracts made and entered into by any Indian for the payment of money, or goods, shall be deemed and held to be null and void, and of no binding effect whatsoever."

Of course the status of some tribes has been changed by treaty stipulations, as in the case of the Stockbridge Indians and the Wyandotts, who have been invested with citizenship.

It is estimated that there are now within the United States about one hundred different tribes or bands of Indians, exclusive of the remnants in the New England States, numbering in the aggregate from 320,000 to 350,000 souls. Of these there were in 1854 thirty-nine tribes, numbering 46,355, which received annuity payments from the government under treaties. The amount paid to them that year was $680,000, which gave the average of $14.66 for each Indian. Allowing five persons to a family, each family would on an average have received $73.30. The Secretary of the Treasury stated in his Report for 1856, that in addition to the public debt "there is due under treaties with various Indian tribes, payable on time, the sum of $21,066,501.36." This, he stated, arose out of the extinction of the Indian possessory title to the public lands, and is a charge on the annual sales. The estimate of annual expenses of the Indian department for 1856 was $2,593,483.88. The army proper may almost be charged to our Indian expenditure; and the army estimate for the same year was more than twelve millions of dollars. Then there are to be considered various additional expenditures annually incurred on account of Indian troubles. For instance, a commission began in 1856, and sat more than a year, to "ascertain the sum of money fairly due to the volunteers of Oregon and Washington Territories for their services in the Indian wars which threatened to lay waste those Territories." And the Secretary of War informs us in his Report for 1857, that "the amount ascertained to be due is a very large one." In the Indian Deficiency Act of 1858, $200,000 were appropriated "for restoring and maintaining, by peaceable measures, friendly relations with the Indian tribes in Oregon Territory," and $20,000 to defray the expense of the several expeditions against Ink-pa-du-tah's band which committed the atrocities at Spirit Lake in Iowa. From these figures and items, cited at random, a general idea may be conveyed of the great expense the United States incur in respect to the Indians; and we will

* See Cherokee Nation *v.* State of Georgia, 5 Pct. Rep. I; Worcester *v.* State of Georgia, 6 Pct. 515; Johnson *v.* Mackintosh, 8 Wheat. 543; Opinions of Attorneys, General, I. 465, 645; II. 402; VI. 49; VII. 746.

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hereafter show the disproportion between this expense and the good that ensues.

The character of the Indians and their capability of civilization are hardly yet, we think, understood and appreciated. When, in 1824, the American Board of Commissioners for Foreign Missions memorialized Congress on the subject of Indian civilization, they were met with the assertion, first, that their project was impracticable; and, secondly, that, if carried out, it would destroy our valuable fur-trade! Public opinion has advanced since that time; but it is still a common opinion, that there are such inherent obstacles in the Indian's character that he cannot become a peaceable, industrious, and humane citizen. He is thought to be untamable. But, in fact, the main reason why the race has not advanced more is their ignorance. They have been ignorant of government; with no law except that of retaliation; and subject to no restraint except what might now and then be enforced by the genius and adroitness of a chief. In war they have exhibited no great capacity. In no instance have they planned and carried on a campaign with comprehensive skill, or with enterprise adequate to final success. Even the conspiracy of Pontiac, — rescued from oblivion by a classic pen, — and the wars of the Six Nations, will bear us out in this remark. As their exploits have been characterized by wild ferocity, so their success has been the result of treachery. The disposition to take advantage by cheating or duplicity has always been a characteristic of an ignorant race. Thus, with the Indian it is a feat worthy of boasting, if he can fall on his enemy unawares; and it is a rare triumph indeed, if he can, by stealth, take a scalp and incur no danger. The case is the same as in ancient Crete, where, we are told, even theft was regarded as lawful when performed with skill. Quacks, indeed, have imposed on the public by vending so-called Indian medicines; but the Indians are sadly deficient in the healing art. Except for wounds, to cure which they have some vulnerary salve, they rely in sickness upon conjuration and necromancy; and how vain these remedies are, the ravages of disease among them have too often shown. In the domestic arts their knowledge is confined to the most simple tools and works. Their only successful manufactures are of beads and skins, except that among the Navajoes of New Mexico blankets of a very excellent quality are made.

There are other circumstances besides their ignorance which have contributed to their abject state. Their isolated condition, and the smallness of their numbers have precluded the mutual intercourse, imitation, and rivalry which have been powerful aids to civilization in more populous states. Furthermore, their peculiar habits have held them back in barbarism. Their education, if it can be so termed, has kept them in intellectual nonage. The traditional stories and songs rehearsed in their wigwams celebrate the achievements, in war, of their ancestors. They learn to revere the memory and to emulate the example of him who has performed the most remarkable athletic feat, suffered the greatest exposure, or taken the largest number of scalps. They also aspire to oratory, and, while they are guiltless of the rhetorical atrocities often put into their lips by historians and novelists, their short, popular harangues are not without a certain rude eloquence. But manual toil they have not been taught to honor. "Labor to them," say Messrs. Cass and Clarke in their communication to the War Department in 1829, "is a disgraceful employment; and this sentiment, the cause or the consequence of their idleness and improvidence, encourages their attachment to war and hunting, the only occupations to which a warrior devotes himself." There is also equal truth in the following statement of the Commissioner, (Mr. Manypenny,) in his Report for 1856: —

> "As a man he [the Indian] has his joys and sorrows. His love for his offspring is intense. In his friendships he is steadfast and true, and will never be the first to break faith. His courage is undoubted, his perception quick, and his memory of the highest order. His judgment is defective, but by proper training and discipline his intellectual powers are susceptible of culture, and can be elevated to a fair standard. He can be taught the arts of peace, and is by no means inapt in learning to handle agricultural and mechanical implements, and applying them to their appropriate uses." — p. 22.

Undoubtedly the Indian is intensely fond of his offspring, and especially of his male children. But how is it with his wife, or *wives* (for the more he has, the greater man is he)? The wife is compelled to do the drudgery of the *manège*, and is looked upon as immeasurably her lord's inferior. She is not even so far elevated as among the Oriental tribes, where woman is

> "A toy for dotards' play,
> To wear but till the gilding frets away."

This accounts in great part for the uncivilized condition which it indicates. "All great men," says Sir James Mackintosh, "have had able mothers." Surely no race or tribe of men, born of mindless and degraded women, was ever known to be enlightened. The most important part of a man's education is derived from the instruction and moral influence of his mother; and before we can succeed in elevating the Indians to a fair standard, we must reform their domestic habits, and let the light of knowledge and religion shine in upon the hearts of their timid and benighted women.

Notwithstanding the excessive pride of the Indians, and their contempt for labor, they are ever ready to admit their poverty, and accept with strange satisfaction whatever charity bestows on them, be it a repast at the second table, a piece of tobacco, or an old garment. This admission of poverty will be noticed in the following report of a dialogue, which took place at Washington two years ago, between the President and delegations of the Pawnee, Ponca, and Pottawatomie tribes.

> "The meeting took place in the favorite east room of the White House, in the presence of a large number of interested spectators.
>
> "The President, after the Indians had been separately introduced to him, said: —
>
> "'I am very glad to see you here, my children of the Far West. I have ever felt a deep interest in your welfare. You

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have come a great way to see me, and I give you a cordial welcome, and should be glad if you should explain to me what you desire me to do for you, and I should be glad to hear your suggestions.'

"The President's remarks received frequent marks of approval from the Indians.

"La-sharo-larl-a-oo, or the 'Big Chief,' of the Pawnee delegation, spoke as follows: —

" 'My Grand Father, I have come a long ways to see you to-day; and I am glad as well as you are. We would like to see you make haste and give us what is promised in the treaty, so that we may not be poor. I am very glad to see you in the situation that you are, — to see your fine dwelling-house, and that you are not poor. I do not think we will be poor and you will be the cause of it. I am in a hurry to get back and tell the news that we will not be poor.'

"Na-sharo-ce-ted-a-co, also of the Pawnees, came forward, and spoke as follows: —

" 'Since I have seen you, I think I will not be poor hereafter. I come here to-day, and look about and see your splendid mansion, and it surprises me; but still I know a white man can do anything and make anything, and I hope we will be put in the way to do these things, and not be poor. I hope you will take pity on us that we may not be poor and may get all that is promised in the treaty.'

"Na-hock-tara-wa-sharo, also of the Pawnees, was the next speaker as follows: —

" 'I am a young man, — not quite a man, for you can see my naked skin, which is smooth, — and I hope wou will take pity on me. I have the prospect of being made a white man if I am spared. It makes me have a big heart to-day to see you, and I think I will not be poor hereafter.'

"Wae-gah-sah-pi, or 'The Whip,' a chief of the Ponca tribe, said:

" 'My Grand Father, I call you Grand Father for no other reason than this: God made me of one color and you of another; but God was partial to you, and made you of a better color. You came into existence, and so did I. It was the will of the Great Spirit that we both came into existence. We have never had a chance to see our Grand Father until this time, and I am very glad you asked me to visit you. It was the will of the Great Spirit that made you more powerful than me; it was the will of the Great Spirit that you should take this land from us, — this land that you stand on to-day belongs to me. You are a man, my Grand Father, and so am I. Everything that you have made, Grand Father, is worthy of attention, — is worthy of looking at. There is one thing that attracts the eye more than anything else, and I hope you will give me plenty of it, — money! We want money, my Grand Father. With it we can get anything we want. We do not want goods; but if you give us money, we can buy what we please, and it lasts longer. My Grand Father, we want all the tools of the white men. We want the blacksmiths, the farmers, the millers, &c. to live with us, and hope you will open your heart to us to-day. My Father, I do not speak from the end of my tongue; it comes from the bottom of my heart, and I hope that what you say will come from the bottom of your heart.'

"Me-she-ke-ah, of the Pottawatomie Indians, said: —

" 'For years past you have been advising our people to reform, and to assume other habits from what they had before, and to give themselves to work and imitate the white people. This has been your advice to us for years past. Prosperity has been with you. We wish prosperity to live with our people. We have come with the full intention of getting those things which are within treaty stipulations, to enable us to go on with our work. I am going to lay down my gun, and pursue something else for a livelihood.' "

The president, in his reply to these speeches, gave them some sensible advice: —

" 'I am glad to see you all on this bright and beautiful day, and hope the Great Spirit is smiling on our meeting, and that henceforth this meeting may be the sign of peace between the red children and the white children and the Great Spirit above.

" 'Why is it that our red brethren are poor? I will tell them how to become rich. They will always be poor while they live by the chase and make war upon each other, — whilst they live in this way they must be poor. The white men are rich because they work, because they plough the soil, and sow the grain, and reap the harvest, and live in their own houses. If the Indians will follow their example they will be rich too, because the Great Spirit looks down with the same kindness upon his red and his white children; for they are all brethren, and without work no man can become rich.

" 'It is my desire that my red children should have separate houses of their own; that they should have their own land in their own place; that their young men should learn the useful trades of blacksmiths, carpenters, and millers, and have all the comforts of the white man; and whenever they shall do this — and they have it in their power to do it — I will always protect them in it.

" 'I have one request to make of my children of the Pawnee and the Ponca tribes, and if it is granted it will make me very happy, and I will feel that their Great Father and my Great Father will approve of the deed. I understand that these tribes — both brave men, all brave men — have been at war; and whilst they are at war with each other they can never improve their condition; and I pray that the Great Spirit may at this moment appear before me; and, I being a party to it, I hope that he may cause them to make peace and shake hands with me, and shake hands with each other in token of perpetual peace among each other.'

"The President at this point stretched out both his hands, and invited the representatives of the Pawnee and Ponca tribes to make peace, which they most willingly did; and a more hearty shaking of hands or more satisfied body of Indians cannot readily be conceived. At the conclusion of this part of the ceremony, the President said: —

" 'I hope this peace will last as long as the sun shines and the rivers run.' "

We cannot shut our eyes to the fact, that all the efforts of the government and of private philanthropy have thus far availed but little towards civilizing the Indians. The wild tribes that have been left to their own resources are probably better clothed and fed, and altogether more creditable members of the human family, than the majority of those which, by treaty stipulations, have come under the direct influence of the government. The latter have received enough aid to make them dependent, to relax their vigor, and hasten their decay. They are not wholly exempt from our authority, and yet are not brought under the wholesome restraint imposed on our own citizens. Instead of being governed by our laws, they are kept in awe by our arms. They are confined within limits too small for prosperous hunting, and too large to conduce to their ambition as agriculturists. They are brought into contact with the whites just enough to catch their vices, and to learn to despise them. Prone to idleness, they are also victims of intemperance and of contagious disease, and seem to be lingering out an existence as wretched to themselves as it is unprofitable to the world. Yet our government has not been unkind to them, unless we may call indifference unkindness. For years and years they have furnished ample topics of pathetic rhetoric for our statesmen, who have declared with Delphic gravity that the only way to save the Indians

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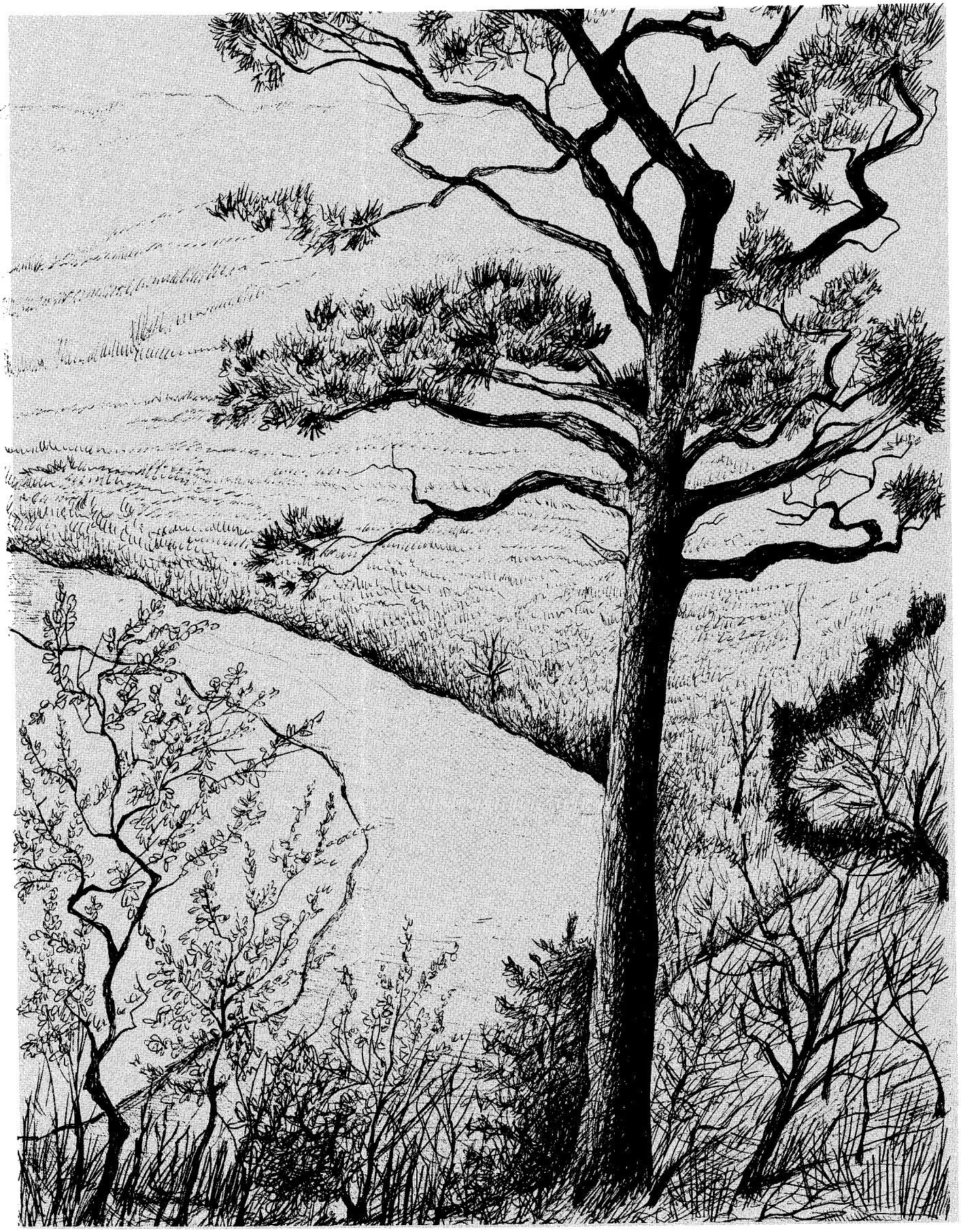

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was to teach them the arts of civilized life. For many years the policy pursued was to get rid of them by removals. This answered till it began to be apparent that our emigration would extend even to the Pacific, and cover the whole domain of the West. In 1826 the Secretary of War (Mr. Barbour) submitted with his report the outlines of a bill, whose provisions he recommended as tending to their civilization. It provided that the country west of the Mississippi, and beyond the States and Territories, and the territory east of the Mississippi and west of Lakes Huron and Michigan, should be set apart for their exclusive abode; that they should be removed as individuals, and not as tribes; that a territorial government should be maintained by the United States; and that there should be an extinction of tribes, if circumstances should justify it, an amalgamation of the whole into one body, and a distribution of property among its individual members. He also recommended that, as soon as the civilization of the Indians would admit of it, they should have a legislative assembly, composed of Indians, to be selected in the early stages by the President, and eventually to be chosen by themselves.

A bill somewhat more practicable in its provisions was introduced into the House of Representatives in 1834, providing for the establishment of an Indian Territory west of the Mississippi, extending from the Platte River on the north, and the State of Missouri and the Arkansas Territory on the east, to the Spanish possessions south and west. It was the plan of the government to persuade all the Indian tribes east of the Mississippi to migrate to that territory, and settle as a confederacy of tribes. The bill provided a government for the confederacy, to be established with the consent of all the Indian chiefs, and to be governed by the chiefs, under the control and patronage of the United States. It also provided that the territory might be represented by a delegate in Congress. The bill was laid on the table, and never called up. Nor has any general law been passed to promote the civilization of these tribes. A common expedient to which the government has resorted to keep peace among them has been to make them presents. But the President tells us, in his Message for 1857, that this system "has proved ineffectual." During the administration of General Pierce, the policy began to be adopted of concentrating the tribes on reservations for their permanent homes. In 1854 and 1855 several treaties were made with different tribes, in which was a provision substantially like the following: —

> "That at such time or times as the President may deem advisable, the land herein provided to be selected as their future home, or such portion thereof as may be necessary, shall be surveyed; and the President shall from time to time, as the Indians may desire it, assign to each head of a family, or single persons over twenty-one years of age, a reasonable quantity of land, in one body, not to exceed eighty acres in any case, for their separate use; and he may at his discretion, as the occupants thereof become capable of managing their business and affairs, issue patents to them for the tracts so assigned to them respectively; said tracts to be exempt from taxation, levy, sale, or forfeiture, until otherwise provided by the legislature of the State in which they may be situated, with the assent of Congress; nor shall they be sold or alienated, in fee, within fifteen years after the date of the patents, and not then without the assent of the President of the United States being first obtained." — *Treaty with the Winnebagoes, 27th February*, 1855.

This would seem to be a wise provision; but we have yet to learn that it has in a single instance, under any treaty, been carried into effect.

Here we might pause to inform our readers how Indian treaties are *made*. We cannot indulge them with any satisfactory statement as to the manner in which such treaties are *fulfilled*. If the tribe is very remote and wild, the practice is to send out an agent or commissioners, with a large quantity of presents, and accompanied by an interpreter and witnesses. If the presents are well selected and sufficiently numerous, a treaty is certain. The favorite plan, however, is to have delegations of Indians go to Washington and treat with the Commissioner of Indian Affairs. This is done if the tribe is not very populous. But it is often a source of jealousy and trouble in the tribe, it being almost as difficult for them to select delegates having the confidence of the whole body, as for their white neighbors to choose satisfactory representatives. To obviate this difficulty as far as possible, they send as many delegates as the government will provide for from the public chest. The delegation is often detained in Washington more than a month before the treaty is concluded. The government agent and interpreter attend them during their sojourn at the capital, and they are sure to receive a share of favorable attention on public occasions and at the President's levees.

We have not directly said, but we wish it to be fully understood, that, in our opinion, the Indians are capable of being educated and civilized. We do not mean merely that they can be induced to adopt the domestic and social habits of white men, — to till the soil, learn the mechanic arts, and engage in trade. We believe that they can be brought up to that supreme standard of civilization which is inculcated in the precepts of Christianity. Nor have they shown any absolute repugnance to being civilized. Some tribes, indeed, have, from the force of example, wrought out their own reformation. The remnants of the Six Nations in New York, the Choctaws, Cherokees, and other tribes west of Arkansas, not to mention some tribes in Kansas, have exhibited an inclination to industry and a capacity for self-government and self-restraint which would be creditable to any community. That others have not improved is owing principally to the inefficiency of the means applied, and to a want of system in their appliance. When, more than twenty years ago, a missionary went among the Chippewas of Lake Superior, the chiefs said to him: "We will give you a home among us, and you shall be secure. You may instruct our children, but we cannot spend time to be educated; we must hunt. The traders will not take our education in payment for blankets and provisions."

There are many remote tribes which cannot be expected soon to be brought under the influence of civilizing agencies. All that can be demanded of the government at present in respect to them, is that they shall keep

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the peace with one another, and cease from their depredations upon our emigrants and travellers. With all these tribes, or nearly all, the United States have made treaties of amity and peace. Being under no pecuniary obligation to them, the government has had no means of controlling them beyond the effect of a few presents and of military force. Both these means have been too sparingly employed to serve a useful purpose. The army is too small to operate as a police force over so vast a territory. One or two companies, in the extreme wilderness, among ten thousand Indians, are more likely to be awed than to inspire awe. The Indians seldom see enough of our force to respect it. Hence the protracted, expensive, inglorious, skirmishing wars that have occurred, and still continue in Texas and New Mexico. Our readers may remember an occurrence in 1854, at Fort Laramie, in the western part of Nebraska. There was but one company stationed there, and that was not a full one. The Indians had often plundered the Mormon and other emigrants who passed, and, when remonstrated with, had even threatened to "wipe out" the fort itself. At length notice was taken of a particularly bold trespass, and a lieutenant was ordered, with a detachment of twenty men and a field-piece, to approach the camp of the Indians and seize the offender. His delivery was refused. The lieutenant ordered the field-piece to be discharged, which was done, and in a few moments the Indians, returning the fire, killed the entire detachment save one, who, wounded, dragged himself to the fort to tell the story of their fate. Then followed, the next year, General Harney's expedition against the Sioux, resulting in his chastisement of them at Ash Hollow. The existence of permanent posts, thus scantily garrisoned, has been so utterly unavailing to keep the Indians under control, that some have urged the discontinuance of this policy. One officer of great experience (General Jesup) considers that the better use of our small army would be to withdraw it entirely from the Indian country; when the Indians deserve chastisement, to send a sufficient force among them thoroughly to quell and punish them; and never to permit them to see or encounter our arms, unless in sufficient strength to overawe and subdue them. With much deference to the opinion of so sagacious a soldier, we would urge that there should be established an increased number of military posts, and that they should have men enough to protect, by their presence and the known prestige of their strength, the country surrounding them. It occurs to us, also, that it would not be impracticable to curtail the expense of the transportation and subsistence of the army, by producing on the military reservations, under the patronage of the government, the forage and provisions necessary for the several posts. This might be effected in part by Indian labor. When our white citizens commit crimes, they forfeit their liberty and are obliged to serve the public. Why should the Indians escape a similar punishment if they violate their treaties of peace? Let the experiment be tried of compelling those who are captured to labor for a certain period of time. At any rate, the cause of humanity demands that the different tribes shall desist from their hostilities among themselves and their attacks upon peaceable emigrants. As the guardian of the weaker and innocent tribes, and as the power pledged to secure the neutrality of the great highways across our territory, the government is under the most solemn obligations to see that this is done; and we cannot but believe that the most economical way of doing it is to increase the number and strength of our military posts.

It has been remarked, that the *theory* on which the government now proceeds towards the half-civilized or annuity-receiving tribes is to retain them permanently on reservations. The practice of removing tribes has of course retarded their improvement. A tenant at will does not take so much interest in an estate as the owner. Could it be expected that Indians would take much interest in cultivating land which they were destined to abandon to others? Assure them they are to remain on their farms, and that their children will inherit and enjoy their improvements, and they will be incited to labor. Their reservations should be surveyed and distributed among them, so they may know what is their own. They have generally had the privilege of selecting their locations from excellent land. It was so with the Winnebagoes in Minnesota, and the Shawnees, Kickapoos, and Delawares in Kansas. The latter selected for themselves a reservation in the valley of the Kansas River, including as luxuriant, diversified, and well-timbered a tract as could be found in the territory. When the tribes are once located, a deaf ear should be turned to all propositions for the sale of their reserves, unless it be of a surplus portion. As settlements surround them, their lands will rise in value, and many will be eager to buy them; while there will always be some discontented Indians, who will be willing to remove for the sake of the money their lands will bring. White settlers, who voluntarily emigrate to the neighborhood of the Indians, with a strange inconsistency, are often found clamorous for their removal. This absurd disposition lately received a sharp rebuke from the Dacotah tribes, who memorialized the President to remove the *whites* to the east side of the Mississippi!

But on the subject of reservations let the Commissioner himself speak: —

> "I concur fully with those of my predecessors who have stated that there have been two great and radical mistakes in our system of Indian policy, — the assignment of an entirely too large body of land in common to the different tribes which have been relocated, and the payment of large money-annuities for the cessions made by them, — the first tending directly to prevent the Indians from acquiring settled habits and an idea of personal property and rights, which lie at the very foundation of all civilization. . . . . With large reservations of fertile and desirable land, entirely disproportioned to their wants for occupancy and support, it will be impossible, when surrounded by a dense white population, to protect them from constant disturbance, intrusion, and spoliation by those on whom the obligations of law and justice rest but lightly, while their large annuities will subject them to the wiles and machinations of the inhuman trafficker in ardent spirits, the unprincipled gambler, and the greedy and avaricious trader and speculator. Their reservations should be restricted so as to contain only sufficient land to afford them a comfortable support by actual cultivation, and should be properly divided and assigned to

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them, with the obligation to remain upon and cultivate the same." — *Report for* 1857, p. 4.

All this is very just. But it rests with the executive branch of the government to carry this theory into practice; and especially is the Indian Bureau responsible for a practical realization of its maxims on the subject of reservations.

Let us now suppose that a tribe is located, in pursuance of the foregoing theory, on a reservation adapted to its numbers. This, the Indians are told, is to be their home. We will imagine that they have ceased to smear their faces with paint; that they have laid aside their bows and their loose blankets. Still the agents, the missionaries, and the teachers report that intemperance is working fearful destitution and misery among them; that it is more injurious to them than it ever was among civilized white men, because it is among the Indians almost a universal vice. The question arises, Can anything further be done to save them from this danger? The penalty for selling or furnishing ardent spirit to the Indians is five hundred dollars. The agent or any Indian can destroy liquor illegally carried into the Indian country, and Indians are made competent witnesses in prosecutions under the statute. These are the principal or only remedies; and the consequence is that the law is frequently evaded. We think that the agent should be clothed with some judicial authority, and that a more summary process should be authorized to reach the wanton offender who is instrumental in furnishing "firewater" to the Indian. If the penalty were less for the first offence, doubtless convictions could be more certainly secured. This subject demands the prompt attention of Congress.

The abolition of money-annuities would indirectly aid in suppressing intemperance. We could produce the testimony of every government officer or missionary, who has had any experience among the Indians, to prove that it is absolute folly to pay them money. There are some doubtless who turn it over to the trader for a fair equivalent. But generally it all goes in mass, and it does the Indians more harm than good. Instead of money, the treaties should provide for the payment for their lands in goods, provisions, and the means of education. This reform rests with the executive.

But how shall we break up the community system? The Indians virtually live in common. If one Indian is industrious and accumulates something for the future, the others, no matter how indolent they may have been, regard him as a mean fellow if he does not freely share it with them. This of course discourages individual effort, and takes away the chief stimulus to industry. Probably the survey and distribution of their reserves in severalty will contribute much to break up this system. We believe, however, that the main cause of this mode of living has been their tribal wars. Dreading an attack from a hostile tribe, they unite together in villages, and have all things in common. What renders these attacks doubly aggravating and horrid, is the fact that the innocent are liable to suffer for the provocation given by others. Witness the sickening brutality of a stealthy attack made on a

"Could it be expected that Indians would take much interest in cultivating land they were destined to abandon to others?"

Chippewa family near Crow Wing, in the spring of 1858, by a party of Sioux. The following is from an authentic report of the massacre, written the day after it occurred.

> "Ottawa, a Chippewa past middle age, had been out with his family for several days, making maple-sugar. Hearing that the Sioux were about, they came into town with what sugar they had, being over two hundred pounds. This was quickly disposed of for whiskey. Their lodge was on the island at the mouth of Crow Wing River, just opposite the village, and was very much exposed to any stealthy attack. In fact, Ottawa's friends had advised him to move from the island on account of the suspicious proximity of the Sioux. But he replied that he had a spear and could kill a Sioux. At about one last night, the report of guns at their lodge, and the cries of the murdered, were heard on this side of the river. It was discovered early this morning, that the whole family, eleven in all, were horridly butchered. Nine were dead, all were scalped, and the heads of some cut off and carried away. The youngest, a child, with its stomach cut open, was yet alive, but its tortures were ended by the friendly blow of a Chippewa. The mother, the squaw, was stabbed, shot, and scalped." — *Correspondence of the* (St. Paul) *Pioneer and Democrat.*

Can it be expected that Indians will live separately from one another, and cultivate their farms, if they are to be liable to such havoc as this? Before the community system can be broken up, and thus the first important step taken for their civilization, a stop must be put to the tribal wars. The government must inspire them with confidence that they will be safe. We will not attempt to say, in detail, how this is to be done. One means will be to require the agent to be constantly on the reservation with them. He should have sufficient military force to enable him to prevent war-parties from sallying out upon other tribes. When depredations are committed, the offenders should be pursued and brought to punishment, instead of holding the whole tribe responsible. We doubt if the Indians who committed the massacre above narrated have even been reprimanded for their atrocious act. Certainly they might have been detected; for they went through the settlements to their home, carrying their fresh scalps in a bag, and proudly exhibiting them as honorable trophies.

After making it for the interest and convenience of the Indians to labor, it will be comparatively easy to educate them, and to foster among them habits of self-reliance and self-restraint. The efforts to give them a literary education have most forcibly shown that "a little learning is a dangerous thing." In most of the half-civi-

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lized tribes, the individuals who have received some book-learning have generally proved rogues, and exerted a bad influence. But these results, instead of discouraging the efforts of sensible and philanthropic men, will only impel them to greater exertions. The ignorant cannot appreciate the advantage of education, and never, of their own accord, will strive for it. This has been the case with the Indians. When missionaries and teachers have gone among them, and offered to instruct their young, they have appeared to think that they were doing the teacher a favor in sending their children to school, even when the children were fed and clothed without expense to themselves. The general fund for the education of the Indians was created by the act of 1819, which provided an annual appropriation of $10,000. During some years since that enactment, not more than half of the appropriation has been expended. The Commissioner states, in a communication to the Secretary of the Interior, November 20, 1855, that for the previous ten years the amount drawn from that fund was $102,107.14; and that the aggregate amount expended for educational objects during that period was $2,150,000, of which the sum of $830,000 had been contributed by private benevolence.

The reports for many years past exhibit very imperfect returns as to the number of pupils who have attended school. It appears that in 1828 the whole number of pupils in all the Indian schools was 1,291. There was but a small increase in the number till 1842, when the number returned was 2,132. In 1848 the number was 3,682. In 1853 it was 3,302. It does not appear how many of these were of either sex. The reports are exceedingly meagre and incomplete, and indicate that little or no interest is taken in the subject at the Indian Bureau. Good success has attended manual-labor schools as a means of literary instruction. On such means the country must rely for the education of the rising generation of these tribes. It is no longer a matter of experiment; for where the system has been applied with fidelity and patience, the best results have ensued. If more money should be appropriated and carefully expended for the education of the Indians, it would prove in the end wise economy.

Whether our Indian policy remains unchanged or not, it is certain that the success of any civilizing measures will depend to a very great extent on the powers and exertions of the agents or other officers who are brought into direct intercourse with the Indians, and who are charged with the execution of those measures. Within a few years the government has withdrawn some of the trusts before reposed in the agents. As men they perhaps have had too much patronage, though as officers they have too little power. The Commissioner says: —

> "Power should be conferred on the agents to eject summarily all intruders from the reservations. They should also be clothed with executive and judicial authority in matters pertaining to their agencies, and appeals from their decisions be allowed to the superintendents, and thence to the Department." — *Report*, 1857, p. 5.

Formerly agents were permitted to make the annuity-payments; but now the Department imposes this duty on the superintendents. This is a significant fact, which admits of but one construction. It is certainly entirely inconsistent with the general theory of the government, that it should be represented among the different tribes by men who do not deserve its entire confidence. The salary of the agent is fifteen hundred dollars per annum, and he is required to reside among the Indians. How is it that prominent and influential men seek such offices from mere pecuniary motives? It is because they find opportunities to make money. Burke would have had much less indignation against the plunder of the Carnatic, if he could have foreseen the thrift which follows in the wake of one of our Indian agents. It is calculated that an agent can make a fortune during a term of four years; but how they can do it remains a mystery. One way, of course, is to impose on the Department by false vouchers. In one instance an appropriation was made for a certain amount of agriculture for a tribe. A piece of ground was to be broken. The agent employed a friend to do this work, paying him the nominal price of sixty dollars an acre. Yet the "breaking" consisted merely of ploughing a piece of land which had once before been broken. Out of such a job the agent would perhaps make several hundred dollars. These officers are selected, not on account of any peculiar administrative ability, nor yet for their philanthropy, but because they have done some service for their party. Occasionally upright and estimable men are appointed; but, however useful, they are liable to be removed through party influence, to give place to one who may be dishonest or incapable. The Indians form their opinion of the government from the capacity and character of the agent. It is of the greatest importance that he should be a trustworthy, able, and energetic man. Admitting him to be fit for the office, we think that he should be clothed with more authority. If the government has the right to keep military posts in the Indian country to awe and restrain them, it has the right to be represented there by a civil officer who has power to enforce just and wise regulations. It is necessary that the influence of the government should operate more directly upon the Indians. Our policy for their civilization should be carried out with more zeal than has heretofore been evinced. Instead of being passive and indifferent, it should be active and earnest, with a view to far higher results than have been realized or attempted.

Our object in what we have written has been to render service to a race which has both inflicted and suffered many wrongs. In our judgment, no documents issued from the executive departments of our government are more interesting, or more deserving of general attention, than the Reports of the Commissioner of Indian Affairs, and the accompanying documents. These latter consist of the reports of the several superintendents, agents, and teachers. No one can peruse them without becoming deeply interested in the condition of the Indians.

May we not hope that congress, before the present session expires, will give candid and patient deliberation to the duties and interests involved in this important subject? □

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H. B. Whipple

1864

A review of the Indian Affairs Commission report for 1863, and of I.V.D. Heard's HISTORY OF THE SIOUX WAR. *Bishop Whipple worked among the Sioux, who nicknamed him "straight-tongue."*

The Indian System

It was our privilege to visit Western Minnesota a few weeks before the Indian massacre of 1862. The journey was made at leisure, so that we had ample opportunity to note the wild beauty of this Western border. It had lost none of the poetry of the wilderness, although the log-cabins of the frontiersmen marked the tidal line of American civilization. The few scattered fields of golden grain which bent low for the reaper were like so many gems set in the flowery prairie. There was a generous freshness in the rude hospitality of these pioneers which won our hearts, and made us rejoice that their lines had fallen in such pleasant places. A few weeks later we heard on this border such a wail of agony as we pray God that we may never hear again. Many scores of our friends who fell victims of savage hatred are sleeping in nameless graves. Minnesota was for two hundred miles one track of blood. Husbands and fathers were murdered in the harvest-fields, and mothers and children massacred in their homes. Eight hundred of the most generous people on the earth perished by savage violence. Every village in Minnesota became the refuge of the homeless. It was a tale of horror to curdle one's blood, and if the world had not been watching with breathless anxiety the greatest rebellion of history, it would have moved all hearts to pity.

Sufficient time has elapsed to calm the outburst of passion, and enable men to examine dispassionately the causes which have brought such anguish and desolation to our new homes. A great crime has been committed, and for that crime some one is responsible to God and to man. We believe that this massacre was the legitimate fruit of our Indian system, which is conceived in folly and carried out by fraud. Two facts in this regard stand out unmistakably in American history; — first, that all our treaty relations with the Indians, however friendly in the commencement, end in serious difficulty, and often lead to murders and Indian wars; second, that every Indian tribe which has entered into treaty relations with the American government has either perished or sunk into a state of brutishness unknown to their heathen fathers. It is because we believe that these fearful results are due to blunders and crimes, that we propose to examine our Indian system. We have witnessed one massacre, and would spare others this sad fate. We confess that, as believers in Christianity, we are unable to look upon the degradation and destruction of a heathen race without emotions of pity. We shall write plainly, for these are not the days when men can afford to cover up iniquity. A nation trembling on the brink of anarchy and ruin should not trifle with God.

The first inquiry which we propose is this, — Is our Indian system calculated to secure peace and safety to the pioneers on the border? This is simply a question of self-preservation. Whether the Indians are to be regarded as men or wild beasts, self-interest demands that our policy shall secure peace and restrain all savage violence.

Our first dealing with these savages is one of those blunders which is worse than a crime. We recognize a wandering tribe as an independent and sovereign nation. We send ambassadors to make a treaty as with our equals, knowing that every provision of that treaty will be our own, that those with whom we make it cannot compel us to observe it, that they are to live within our territory, yet not subject to our laws, that they have no government of their own, and are to receive none from us; in a word, we treat as an independent nation a people whom we will not permit to exercise one single element of that sovereign power which is necessary to a nation's existence.

The treaty is usually conceived and executed in fraud. The ostensible parties to the treaty are the government of the United States and the Indians; the *real* parties are the Indian agents, traders, and politicians. The avowed purpose of the treaty is for a Christian nation to acquire certain lands at a fair price, and make provision that the purchase-money shall be wisely expended, so as to secure the civilization of the Indians. The real design is to pay certain worthless debts of the Indian traders, to satisfy such claims, good or bad, against the Indians, as have been or may be made, and to create places where political favorites may receive their reward for political service. The hereditary chiefs are men who feel jealous of our encroachments upon their territory. They often demand an exorbitant price for their lands, in order to prevent the sale. Those chiefs who cannot be bribed or deceived by false interpretations have in some instances been deposed, and more pliable tools appointed in their place. The interpreters who carry the heads of the commissioners and the chiefs on their shoulders are frequently men who can be bribed, and thus the two parties to the treaty are ignorant of each other's views. An officer of the United States army described to us one of these

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treaties. The Indians said to the commissioners that "they desired to sell their land to their Great Father, but that, if they did sell it, they wished to receive the money themselves, and would not pay the bad debts of the traders, which they did not owe." This was interpreted: "The Indians say that many years ago good white men visited our people and sold them goods which they were too poor to pay for; these debts are honest, and have long laid heavy on our hearts: we will sell the land, if the first money can go to pay our honest debts." We ourselves have known a treaty made with the Indians, and ratified by the United States Senate, which one half of the chiefs denied having signed, and a majority of them were ignorant of its provisions. There is always a large amount of fair speech and smooth words, for the Indians are told of the love of their Great Father, of his desire to see them like their white brothers, of their need of schools and implements of husbandry, and of the bright future which is sure to await them if they will listen to their Great Father's words.

They feel their helpless condition, for their traditions tell them how other Indian tribes have perished. The offer of help from a superior race seems to give them a pledge of safety, the sums of money offered are to them almost fabulous, and they hope still to hunt the game over the unoccupied lands: they believe the lying words of the white man, and the treaty is ratified. The Indians now find that large claims have absorbed the first payment. Indian chiefs have told us that, having made a treaty to sell their lands, they were asked to sign a supplementary one in order to make its provisions plain. A few of the chiefs did sign this supposed supplementary treaty. They were told by a friend that they had been deceived, and that this paper provided that all of their first payment should be paid to the Indian traders. Some of the chiefs refused to sign it; then certain white men bribed these chiefs to sign the amended treaty, paying them large sums of money. After they had signed it, they were made drunk, and while drunk the same white men who had bribed them stole from their blankets the very money which had been paid them as a bribe. In Mr. Heard's book, pages 35 to 41, there is an account of the Sioux treaty of 1851 and 1852, which lifts the curtain a little to reveal the iniquity practised in Indian treaties. On page 42 of Mr. Heard's book, and page 280 of the Report of the Commissioner, are descriptions of a similar treaty. In 1858, the Sioux sold the government about eight hundred thousand acres of their reservation, for which the Upper Sioux were to receive two hundred and forty thousand dollars, and the Lower Sioux ninety-six thousand dollars. Up to the time of the massacre the Indians had not received one single cent, except fifteen thousand dollars in goods, many of which were almost useless, the invoice containing such items as dozens of Canadian belts. At the time of our visit to the Sioux country, immediately before the massacre, we heard many bitter complaints of the shameless dishonesty of both of these treaties.

After the completion of the treaty, the Indians are placed under our Indian Bureau. The agents who are selected to guide a savage heathen people, and the employees who are to act under their direction, receive their places as a reward for political services. These places are eagerly sought after, because there is a tradition on the border that by some Aladdin's lamp the pittance of salary will be multiplied into a fortune by the end of four years.

If the agent is an honest man, whose sole desire is to elevate a degraded people, he will be powerless; most of his employees will be forced upon him by the Superintendent, by some member of Congress, or the influence of party. He has no authority to make laws, and no power to enforce them. The traders may be banded against him, his interpreter may be the secret hireling of some Indian claimants; he cannot explain or redress the past robberies of his wards, nor prevent them in the future. The claims secretly deducted from Indian annuities, and the dishonesties in lessening the Indian goods purchased by the Department in Washington, are things for which he cannot apologize. At every step his wisest plans will be thwarted, and, knowing that at the end of four years he must give place to a successor, he has little inducement to learn the language of the Indians, study their character, or inaugurate any plans for their improvement, so that even at best the Indians are three years out of every four under incompetent agents. If the agent is a mere political place-hunter, he enters upon his duties with only one thought, and that is plunder. Under his administration dead men's names are placed upon the pay-rolls, and it is certified upon oath that they have received the annuity. The school is a miserable sham, the agricultural funds are wasted by improvidence, the annuity goods are lessened by fraud in the purchase or by theft after they are received, and the implements of husbandry are worthless. We have seen cast-iron side-hill ploughs sent to the Indians to plough prairie-land, so that even these savages asked with astonishment if their Great Father thought that all Indians were born left-handed. The employees of the Superintendent will be men who wink at crime, and who by their evil lives teach the Indians that blasphemy, adultery, drunkenness, and theft are not sins. We must add to this catalogue of evils, that on the border outside of the reservation there are a multitude of harpies worse than devils, who furnish the Indians with the most deleterious and deadly whiskey. These men ply their trade on the ceded lands, and as the reservation is under United States laws, and the ceded lands under State law, they have always managed to escape the penalty due to their crimes, on account of the conflict of jurisdiction.

The Indians' hunting-grounds are now gone, their annuities wasted, their people left subject to every evil influence, without law or government to encourage the good or punish the bad. Disease will soon rest in every village, and the poor and wretched people sink into a state of brutishness unknown to their fathers.

The most fatal mistake in this chapter of evils is the lack of government. The Indians have been placed under conditions where their rude patriarchal government is destroyed or cannot be exercised. We have recognized

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them as an independent nation, and then left them without a vestige of government or law. The chief has no power to make or to execute laws. In their wild state the office of a chief is only advisory, for he cannot protect the innocent or punish the guilty: the Indians' law of redress is savage vengeance. The only human being in the United States who has none of the restraints or protection of law is the treaty Indian. He has no protection in person, property, or life. Every motive which could influence him to become civilized is taken away. His crops may be destroyed, his house burned, his wife or child killed, his only redress is private revenge. If he turns thief, and steals from his white neighbors, the Department, with its usual wisdom, deducts the value of the theft from the annuity of the tribe, so that by this means the guilty party makes a profit out of his crime. Those who embrace Christianity, or who desire to follow the pursuits of civilized life, are left, by the government's neglect, to suffer from the bitter hostility of their heathen neighbors.

There is a deeply rooted antipathy between the habits, religion, and customs of a savage race, and the pursuits and teachings of civilization. The first step in the change from barbarism to civilization must be so distinct and marked that it will admit of no return. The civilized Indian consents to have his hair cut after the fashion of the white man. He knows that in the estimation of his people the loss of the scalp-lock is the public and open renunciation of the war-path and the chase. It is a step which is taken with fear and trembling, because he knows that henceforth he cannot wear the warrior's feather, which is the highest mark of savage ambition, and that he will meet at every step the insults and reproaches of his people. These civilized Indians have had their crops destroyed, their fences torn down, and even their lives have fallen a sacrifice, and yet the government has never given them protection. In many of the treaties provision is made that these men shall have a patent for their land, and that it shall no longer be the property of the tribe; but no patent has been issued, for, while it might give manliness to one who had something that he called his own, it would stand in the way of the removal of the Indians whenever the greed of white men clamored for their land, or the Department-agents and traders wished to make another attack on the public treasury.

Wabashaw, an aged chief, at whose request we had written a letter to the President to ask for reform in these particulars, said to us: "Your words have made my heart glad. You have spoken for me as a father speaks for the child whom he loves well. You have often come to see us, and you know that the Indians are not like their white brothers. They have not your ways, nor have you our ways. Our Great Father at Washington bought our hunting-grounds, and promised to help us to become like our white brothers. He said to me, Go home, and try to live like a white man, and I will help you more than I have ever done. Four winters have passed since he said these words, and the fifth is nigh at hand; we think our Great Father has forgotten his red children, and our hearts are very heavy. The agents he has sent us seem to forget his words before they get here, for we think they disobey what he told them. You said you were sorry to see so many of our young men engage in foolish dances. I am sorry. I wish they would be like white men. Sometimes I think these old customs hang around them like a garment of their wild life, because their hearts are sick. They do not know whether these lands are to be their home. They have seen the red man's face turned towards the setting sun, and are afraid there are many long journeys for themselves and their children. This makes them uneasy, and they do not try to be different. If the great Council at Washington would do as they promised, then my people would see they meant as they said. The good Indian would be like the white man, and the bad Indian would seek another home. I have heard of your wise words to our Great Father, and you tell me that to those who live like the white men he will give, as he promised, deeds for our land. My heart is glad. You have none of my blood in your veins, but you have been a true friend of the Dacotah. I will repeat your wise words to my people, and often when I sit in my tepee they will come back to me, and be like music to my heart." The poor chief never realized his dream. Although innocent of any connection with the massacre, he was removed to the Missouri to die of a broken heart.

A chief of another tribe once said to us: "I opposed this treaty, because, if I am an Indian, I am not a fool. When I sell to the white man my father's hunting-grounds, if I remain a wild man I have dug my grave. This treaty has no oxen, no houses, no seed, no clothing, no schools; it does not help us to become like our white brothers. It has some money for the traders, and takes away my hunting-grounds and leaves me by a grave." He then said, "My father, have you children?" The reply was, "Yes." "How would you feel if they were going to die?" "Very sorrowful," was the answer. Said he, "My people are all going to die; will you help me save them?" This artless eloquence of a poor and wretched people must move every heart with indignation against the Indian system.

In this history of mistakes and robbery we must not overlook the fact, that no mark of disapprobation is placed upon the savage and pagan customs of the Indians. We have known the Governor of the State, on an official visit, to hire Indians to engage in a savage dance for the amusement of a gaping crowd. They have without let or hinderance followed the war-path upon our own territory, they have fought and murdered each other beside our villages, and when they returned, glutted with savage vengeance, our citizens have watched the brutal scalp-dance as a holiday pastime, not knowing that underneath there were dark brooding passions which some day would bring desolation to our own firesides and homes. These savage customs are calculated to keep alive every feeling of resentment for real or fancied wrongs. The dishonesties of the treaties, the thefts of the agents, the claims of traders, the corruption of the Indian women sometimes accompanied by violence, are sure to be spoken of in

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"He said, 'My father, have you children?'' The reply was, 'Yes.'' 'How would you feel if they were going to die?' 'Very sorrowful.' 'My people are all going to die; will you help me save them?'"

the council and soldier's lodge, to be repeated from wigwam to wigwam, until they become the great tradition of wrong and hatred which on the first opportunity will break out in murder and massacre.

The trade in Indian claims has become one great means of dishonesty, and is the real reason for the frequent removal of the Indians. So long as the government has no relations with the Indians, the trader is their friend. The Indians dare not refuse payment for the goods, lest the trader should refuse to give them an outfit for their hunt, and the traders dare not oppress the Indians, lest they should lose their debts. Under the treaty, the government offers a bounty for dishonest claims. The trader is permitted to add up all his bad debts and those of his fathers, and these individual debts are recognized by the government as a claim against the patrimony of the tribe. This system is perpetuated, because the owners of these claims can afford to pay large premiums and percentage to have them allowed. We have been informed by persons in whose word we have confidence, that on one occasion a person who found that his claims were unpaid was told that, if he would hand ten thousand dollars to a person designated, all these claims would be settled. The sum was larger than he could afford, but he did place five thousand dollars in an envelope and handed it as he was directed, and soon after received the money for every claim.

If the Indian reservation is anywhere in the path of civilization, no plea of mercy, justice, or humanity can save this hapless people for an hour. Either the fears of the white settlers will be aroused, or their cupidity excited, until the removal is effected. Often the vagabond habits which the Indians have learned under government tutelage make it a necessity. When the removal takes place, humanity and fear of God are forgotten; for the Indians are often removed at the point of the bayonet, to be placed under such circumstances that it is only a question of time when they shall perish. The Winnebagoes and friendly Sioux were thus removed in 1863, and we learn, in the Report of the Commissioner of Indian Affairs, the character of the country to which they were taken.

In a letter of General Sully, written from motives of humanity to the Department, he says: "I find both tribes very discontented, and if troops are not constantly kept here, I think there will be trouble. The Winnebagoes I find hard at work making canoes, with the intention of quitting the agency and going to join the Omahas, or some other tribe down the river. I held a council with them yesterday, in which they said they had been promised, when they left their last reservation, to be settled on the Big Sioux. They also stated that nothing will grow here. They dare not go out to hunt, for fear of other tribes, and they said they would [should] all starve to death. *This I believe to be true*, without the government intends to ration them all the time." Subsequently he addressed another letter to the Department, describing in the strongest terms the miserable character of the country, and said that his opinion was not formed from its present appearance, but from his former knowledge of it.

Under date of August 12, 1863, the Acting Commissioner of Indian Affairs writes to the agent of the Winnebagoes, that representations had been received at the Indian office that the site of the new reservation was an unsuitable one, and requests him to assure the Indians that they should be removed. Since that time we know that the Department has been informed that nearly one thousand of these Indians have died during the past year from disease and hunger, and the officer who made the reconnoissance of the country, one of the most honored generals in our army, has certified that it was incapable of successful cultivation; but no change has been made. And yet the government is expending money by thousands in this worthless country, and we wonder why we have Indian wars. This constant removal of the Indians, without any due provision for their wants, leaves upon their minds, and the minds of all Indians near them, a deep feeling of resentment, sure to end in blood. A young warrior of the Chippewas once startled us as he said: "I hear the white man will remove us from our country. Tell your great Father I have one hundred warriors, and their shadows are falling on their graves."

We have thus briefly described some of the features of our Indian policy, and to our mind they give the secret history of the terrible Minnesota massacre so vividly described in Mr. Heard's book.

Their agent, Mr. Galbraith, whom we believe to be an honest man, says, in his report of 1863, speaking of the treaties: "It was a perpetual source of wrangling, dissatisfaction, and bitter, even threatening complaints on the part of the Upper and Lower Sioux."

Mr. Heard tells us: "This dissatisfaction was fearfully augmented by the failure of the government to make their annual payment, which had heretofore taken place in June, and by the traders refusing their credit when

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they needed it most. When an Indian would ask for credit, they would retort, 'Go to the soldiers' lodge and get credit,' and the Indian would angrily reply, 'Yes, if I kept your squaw I could get all the credit I wanted.' On one occasion a large number appeared before a trader's store, saying, 'You have told us that you will give us no more credit, that we might starve this winter, or eat hay or dirt; now, since you will not give us credit, when you want wood or water, do not get it on our reservation.' To this the trader replied, 'Ho! all right! when you are cold this winter, and want to warm yourself by our stove, I will put you out of doors.' " Agent Galbraith was aware of this dissatisfaction, but could give no reason for the delay in the payment. The true reason has never been given by the Department. The delay was caused by the fact that the Commissioner had paid a number of claims out of their annuities. The Superintendent and Agent were not willing to make a part payment, knowing it would precipitate an Indian war. At the last moment this deficiency was made up out of other funds, as the warrant on the treasury will show. Two months of precious time had elapsed, the money reached Fort Ridgely at 12 M. the 18th day of August. The massacre had already commenced: it was too late!

The next question that we shall ask is, "Are the Indian races of North America capable of receiving a Christian civilization?" We answer, unhesitatingly, Yes. It would impugn the goodness of God and the power of the Christian religion to say that Christianity was not adapted to the wants and woes of all the children of sin, shame, and sorrow.

The North American Indian is a heathen, and yet, heathen though he is, he will compare favorably with any race in the same condition. He is one of the very few heathen men who is not openly an idolater. He recognizes a Great Spirit, and although he speaks of the spirit in the woods, the brooks, and the storm, he is not a pantheist. He has, for a heathen, a warm attachment to his family, kindred, tribe, and country. In his wild state, before coming in contact with the white man, he is more truthful, virtuous, and honest than most uncivilized races. His religion is the grand medicine which recognizes a Great Spirit, and existence after death. In his early youth he is taught to fast until in his sleep he sees the figure of some animal. He is then to hunt for that animal, fasting until he kills it. The skin is carefully prepared and ornamented by the squaws, and given to him as a medicine-bag, to be his charm through life. He is then initiated into the mysteries of the grand medicine by its priests. Of these there are four degrees, each professing to teach some hidden knowledge of medicine, charms, or poisons, whereby he may gain the love of his friends and punish his enemies. Of worship, strictly speaking, there is none; the feasts connected with the grand medicine are mere occasions of sensual enjoyment. The few customs of purification which still remain have survived all the teaching which at one time was probably connected with them. In sickness, or times of great danger, the conjurers of the grand medicine are consulted, and they resort to their rattles, drums, and dances to drive away the evil spirits who threaten their peace and safety.

The Indians possess warm affection for their children. Upon the death of a child, the mother takes everything which belonged to the child, and often everything she had which would please the child, and makes a little bundle of the size of an infant, which she carefully ornaments with bead-work or porcupine quills, and carries this memento of her dead child for a year. During the time of mourning, all gay clothing and ornaments are laid aside, and the hair is left uncombed, so that everything in the outward appearance shall show the sorrow for the dead.

The penalty among the Chippewas for adultery was to have the nose bitten off. The Sioux held an annual maidens' or virgins' feast. On one occasion we witnessed this feast among the Lower Sioux. Nearly one thousand Indians, in every variety of holiday costume, were assembled on the prairie. An old medicine-man went to and fro in the camp, announcing that the virgins and braves were now called to the virgins' feast. A sacred stone, painted with bright colors, and gayly ornamented with feathers, was placed in the centre of the circle formed by the Indians. The old crier stood beside it, and called all the virgins to the feast. A mother led her daughter, a girl of perhaps fifteen, and neatly dressed, up to the stone, and deposited beside it her offering for the feast. The daughter touched the sacred stone, and looked up to the sky, which was regarded by all present as a solemn oath that she was a virtuous maiden. When all the girls who desired had taken the oath, the old crier announced that any brave who had taken a scalp before he had made love to a woman was entitled to eat with the virgins. One by one the young braves, with their war-paint and feathers, entered the circle, and, having touched the stone, related the history of their following their enemy on the war-path, and where it was that they had overtaken and slain him. When this part of the festival had ended, the old crier called upon the people to come forth and challenge any one who had made a false statement, or was unworthy of these honors. A young man, amid breathless silence, entered the circle and laid his hands on one of these girls, and accused her of being unworthy. The accusation and defence were very brief, and then there rose from a thousand voices a cry of indignation which henceforth branded her as a child of shame.

We have been permitted to examine many letters of the agents of the Northwest Fur Company, and have made inquiries of old men who have spent their whole lives in the Indian country; and we are satisfied that a very great deterioration has come to this people since their treaty relations with the government. Governor Sibley and Senator Rice, both of whom spent many years in the employ of the Fur Company, testify to the honor, honesty, and fidelity of the Indians.

The best evidence of the mistakes of our policy is found in the fact that the English government in Canada has never had an Indian war, and no lives have been lost

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by Indian massacre. Their Indians live in peaceful relations with their white neighbors and friends, and wherever there was an Indian tribe there is now a Christian Indian village. They have not expended one dollar where we have spent thousands. The whole secret is, that England carries her government and laws wherever she extends her civilization. Our nation is almost the only one in history that has extended its conquests without extending its government, or that permits human beings to live within its territory without being subject to its laws.

We have known among this people too many instances of the power of Christian faith, to doubt their ability to accept the Christian religion and embrace its civilization. All that sheds light on the horrible scenes of this bloody massacre is due to the Christian faith. The only men who dared to stand up against it were men who had been under missionary influence. Paul Ma-za-ku-tu-ma-ne, Taopi, Wakeau-was-té, Other Day, Wabashaw, and others no less our friends, proved that friendship at the risk of their lives. Other Day rescued sixty persons and led them to Henderson. Taopi and others delivered two hundred captives to General Sibley, at Camp Release. Paul made a speech in the Indian council which exhibits the truest bravery. "I want to know if you lower Indians are crazy; you might as well fight the thunder and lightning as to fight the whites. You might as well bail out the Mississippi as to hope to destroy them. You say you will make a treaty with the English. It is impossible. They are white men. They are ruled by a petticoat, and she has the tender heart of a squaw. . . . . I am going to shake hands with the whites. I hear some of you boast, 'I have killed so many women and children'; that is not brave, it is cowardly." Amid cries of "Kill him! kill him!" he said: "Bluster away. I am not afraid. I am not a woman. I shall not die alone; there are others who will die with me."

Even the farmer Indians who were heathen were throughout opposed to the war, and the few who for self-preservation joined the tribal Indians in their raids are believed to have taken no active part in the warfare. Major Joseph R. Brown, who has lived for forty years in Minnesota, and during this time sustained intimate relations with the Indians as trader and agent, was present at the battles of Fort Ridgely and Birch Cooley, two of the most severe battles of the war. He says in a published letter, speaking of the farmer Indians: "During the attack upon Fort Ridgely many balls were fired into the roofs of the houses, and during the battle of Birch Cooley the tops of the Sibley tents were riddled with balls. I am too well aware of the precision with which an Indian uses his gun to believe they would have shot so wildly at short range if it was not done intentionally."

These men, who were the deliverers of our captive friends, and others who were acquitted by the military court, are the Sioux who were sent to the Missouri to starve.

We admit cheerfully that very little has been done to civilize or Christianize the Indian race; but we are not willing to see this poor people dragged down to death, and then hear men with their mock piety plead God's decrees as an excuse for their own guilt. We have heard a high Indian official declare, as if he approved of the atrocious sentiment, that "there were many wise men who thought the best policy was to exterminate the Indians," and we ventured to tell him plainly, that "no one but Almighty God could exterminate, and that, if he would remember that within three years more white men of our own citizens than all the Indians on the continent had been exterminated, he might perhaps learn that the American people had to do with a God who was not blind."

It would extend this article beyond its proper limits to do more than point out a remedy for these evils, and to give the details of a more perfect Indian system. The only remedy is to give the Indians the protection of law, to treat them as our wards for whom we are responsible, to give them individual rights in the soil and the means to cultivate it, to guard them from the low vagabonds who would sell an Indian's soul for a pittance of coin, and secure to them agents to guide them out of their heathen darkness who *are* men, who believe in God, and who are ashamed to lie and steal. The agents and employees of the Indian Department should be placed beyond the reach of political removals. They should be men of the highest character, receiving good salaries, and holding their office during good behavior. It is now many years since we looked into the iniquity of this atrocious system; many a time, as we have heard the pitiful plea of the helpless, we have wept in very bitterness. But that which has been the most terrible to bear was to witness day after day the gathering of a storm-cloud of savage hate and ferocity; to hear its low mutterings; to plead with a woman's love and a man's earnestness for help only to be refused, and then with a bruised heart to watch the anguish and desolation which guilty apathy had permitted to settle over border homes. This year the people will again express their voices at the ballot-box, and instruct their agents as to their duty. Would God that they might demand, in a voice which should be heard, that these evils shall be redressed. Ours is a generous people; there is a great, manly heart in American breasts, which is always ready to help the wretched. The government has never been parsimonious, it has always had the kindest intentions, and poured out its money like water to help its Indian wards. It will cost time, it will cost money, it will cost abuse and hatred to any man who attempts to reform this Indian system; but it will cost more to cover up iniquity and anger God. The war in Minnesota has kept seven thousand brave soldiers out of the field, it has cost fifteen millions of dollars a year. The two waves of population between the Atlantic and the Pacific are soon to meet, and we must right these wrongs, or enter upon an Indian war which will cost a hundred millions of dollars and the sacrifice of thousands of precious lives. We dare not be silent. Our beloved country is filled with anguish and woe, and we look with awe and fear to the future, because we know that God is just. □

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Nelson A. Miles

1879

General Miles served in the Army of the Potomac, was responsible for putting down the Apache uprising under Geronimo, and during the Spanish-American War was Commander-in-Chief of the Army.

The Indian Problem

Strange as it may appear, it is nevertheless a fact that, after nearly four hundred years of conflict between the European and American races for supremacy on this continent, a conflict in which war and peace have alternated almost as frequently as the seasons, we still have presented the question, What shall be done with the Indians? If the graves of the thousands of victims who have fallen in the terrible wars of race had been placed in line, the philanthropist might travel from the Atlantic to the Pacific, and from the Lakes to the Gulf, and be constantly within sight of green mounds. And yet we marvel at the problem as if some new question of politics or morals had been presented. Indeed, wise men differ in opinion, journalists speculate, divines preach, and statesmen pronounce it still a vexed question.

The most amusing part of the quandary, however, is that it should be regarded as something new and original. After every generation has contended on deadly fields with the hope of settling the question, the home governments enacted laws, the colonies framed rules, every Administration of our Government forced to meet the difficulty, and every Congress discussed the "Indian Question," we are still brought face to face with the perplexing problem.

The real issue in the question which is now before the American people is, whether we shall continue the vacillating and expensive policy that has marred our fair name as a nation and a Christian people, or devise some practical and judicious system by which we can govern one quarter of a million of our population, securing and maintaining their loyalty, raising them from the darkness of barbarism to the light of civilization, and put an end to these interminable and expensive Indian wars.

The supposition that we are near the end of our Indian troubles is erroneous, and the fact that a condition of affairs now exists over an enormous area of our country, in which an American citizen can not travel, unguarded and unarmed, without the danger of being molested, is, to say the least, preposterous and unsatisfactory.

If, by a dispassionate and impartial discussion of the subject, some measure may be devised that will eradicate the evil, and lead to the adoption of a permanent improvement in the management of our Indian matters, one object of this paper will have been accomplished.

In considering the subject, it might be well to first examine the causes which have produced the present condition of affairs, and, in doing so, if the writer shall allude to some of the sins of his own race, it will only be in order that an unbiased judgment may be formed of both sides of the question.

It will be remembered that one class or race is without representation, and has not the advantages of the press or the telegraph to bring it into communication with the intelligence of the world, and is seldom heard except in the cry of alarm and conflict along the Western frontier. If we dismiss from our minds the prejudice we have against the Indian, we shall be enabled to more clearly understand the impulses that govern both races. Sitting Bull, the great war chief of the Dakota nation, uttered one truth when he said that "there was not one white man who loved an Indian, and not a true Indian but who hated a white man."

Could we but perceive the true character of the Indians, and learn their dispositions, not covered by the cloak of necessity, policy, and interest, we should find that they regard us as a body of false and cruel invaders of their country, while we are too apt to consider them as a treacherous and bloodthirsty race, that should be destroyed by any and all means; yet, if we consider the cause of this feeling, we might more readily understand the result.

The more we study the Indian's character, the more we appreciate the marked distinction between the civilized being and the real savage, yet we shall find that the latter is governed by the same impulses and motives that govern all other men. The want of confidence and the bitter hatred now existing between the two races have been engendered by the warfare that has lasted for centuries, and by the stories of bad faith, cruelty, and wrong, handed down by tradition from father to son until they have become second nature in both. It is unfair to suppose that one party has invariably acted rightly, and that the other is responsible for every wrong that has been committed. We might recount the treachery of the red-man, the atrocity of his crimes, the cruelties of his tortures, and the hideousness of many of his savage customs; we might undertake to estimate the number of his victims, and to picture the numberless valleys which he has illumined by the burning homes of hardy frontiersmen, yet at the same time the other side of the picture might appear equally as black with injustice.

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One hundred years before the pilgrims landed at Plymouth, the Spanish Government issued a decree authorizing the enslavement of American Indians, as in accord with the law of God and man. Later they were transported to France, to San Domingo and other Spanish colonies, sold into slavery in Massachusetts, Rhode Island, Pennsylvania, Virginia, the Carolinas, Georgia, and Louisiana, and hunted with dogs in Connecticut and Florida. Practically disfranchised by our original Constitution, and deprived either by war or treaty of nearly every tract of land which to them was desirable, and to the white man valuable, they were the prey to the grasping avarice of both Jew and Gentile. Step by step a powerful and enterprising race has driven them back from the Atlantic to the far West, until now there is scarcely a spot of ground upon which the Indians have any certainty of maintaining a permanent abode.

It may be well in this connection to remember the fact that in the main the Europeans were kindly treated by the natives, when the former first landed on American shores, and when they came to make a permanent settlement were supplied with food, particularly the Plymouth and Portsmouth colonists, which enabled them to endure the severity of long and cheerless winters. For a time during the early settlement of this country, peace and good will prevailed, but only to be followed by violent and relentless warfare.

Our relations with the Indians have been governed chiefly by treaties and trade, or war and subjugation. By the first we have invariably overreached the natives, and we find the record of broken promises all the way from the Atlantic to the Pacific, while many of the fortunes of New York, Chicago, St. Louis, and San Francisco can be traced directly to Indian tradership. By war the natives have been steadily driven toward the setting sun — a subjugated, a doomed race. In council the Indians have produced men of character and intellect, and orators and diplomats of decided ability, while in war they have displayed courage and sagacity of a high order. Education, science, and the resources of the world have enabled us to overcome the savages, and they are now at the mercy of their conquerors. In our treaty relations most extravagant and sacred promises have been given by the highest authorities, and yet these have frequently been disregarded. The intrusions of the white race (occurring now more frequently than ever before), the non-compliance with treaty obligations, have been followed by atrocities that could alone satisfy a savage and revengeful spirit. We need not dwell upon the original causes that have led to the present condition of affairs. Facts that have been herein referred to make it almost impossible for the two conflicting elements to harmonize. No Administration could stop the tidal wave of immigration that is sweeping over our land; no political party could restrain or control the enterprise of our people, and no man could desire to check the march of civilization. Our progress knew no bounds. The thirst for gold and the restless desire to push beyond the horizon have carried our people over every obstacle. We have reclaimed the wilderness and made the barren desert glisten with golden harvest; settlements now cover the hunting-ground of the savages; their country has been cut and divided in every conceivable form by the innumerable railroad and telegraph lines and routes of communication and commerce; and the Indians standing in the pathway of American progress and the development of the wonderful resources of this country have become the common enemy and have been driven to the remote quarters of our territory.

During the time that this wonderful change has been wrought, it may be asked, Have the Indians as a body made any progress toward civilization? and in the light of past history we would be prompted to reply, Why should they have abandoned the modes of life which Nature had given them to adopt the customs of their enemies?

In seeking to find the evidence of enlightenment, the results are not satisfactory. It is presumed that there is not a race of wild men on the face of the globe who worship the Great Spirit more in accordance with that religion taught in the days of the patriarchs than the natives of this country, and yet after many years of contact with the civilized people we find the footprints of evil as plentiful and as common as the evidences of Christianity. Again, in early days the Indian tribes were to a considerable extent tillers of the soil, but by constant warfare, in which their fields were devastated and their crops destroyed, they have become entirely subjugated, the mere remnant of their former strength, or pushed out on the vast plains of the West where they subsist upon wild fruits and the flesh of animals. Could we obtain accurate statistics, we would undoubtedly find that there were more acres of ground cultivated by the Indians one hundred years ago than at the present time. The white race has now obtained such complete control of every quarter of the country and the means of communication with every section are now so ample that the problem resolves itself down to one of two modes of solution, viz., to entirely destroy the race by banishment and extermination, or to adopt some humane and practicable method of improving the condition of the Indians, and in the end make them part and parcel of our great population. The first proposition, though it may be found to have thousands of advocates in different sections of the country, is too abhorrent to every sense of humanity to be considered. The other method is regarded as practicable, but its adoption is considered doubtful.

Looking at the purposes of our Government toward the Indians, we find that after subjugating them it has been our policy to collect the different tribes on reservations and support them at the expense of our people. The Indians have in the main abandoned the hope of driving back the invaders of their territory, yet there are some who still cherish the thought, and strange as it may seem it is a fact that the most noted leader among the Indians advanced such a proposition to the writer within the last two years. They now stand in the position of unruly children to indulgent parents, for whom they have very

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little respect, at times wrongly indulged and again unmercifully punished.

Coming down to our direct or immediate relations with them we find that our policy has been to make them wards of the nation, to be held under close military surveillance, or else to make them pensioners under no other restraint than the influence of one or two individuals. Living without any legitimate government, without any law and without any physical power to control them, what better subjects or more propitious fields could be found for vice and crime?

We have committed our Indian matters to the custody of an Indian Bureau, which for many years was a part of the military establishment of the Government; but, for political reasons and to promote party interests, this Bureau was transferred to the Department of the Interior.

Whether or not our system of Indian management has been a success during the past ten, fifty, or one hundred years, is almost answered in the asking. The Indians, the frontiersmen, the army stationed in the West, and the readers of the daily news in all parts of our country, can answer that question. Another question is frequently asked, Why is our management of Indian affairs less successful than that of our neighbors across the northern boundary? and it can be answered in a few words. Their system is permanent, decided, and just. The tide of immigation in Canada has not been as great as along our frontier; they allow the Indians to live as Indians, and do not attempt to force upon the natives the customs which to them are distasteful. In our own management it is the opinion of a very large number of our people that a change for the better would be desirable; such a measure is now under consideration, and we have the singular and remarkable phenomenon presented of the traders, the contractors, the interested officials of the West, and many of the best people of the East, advocating one scheme, while a great majority of frontier settlers, the officers of the army of long experience on the Plains, and many competent judges in the East, advocating another. The question is one of too grave importance to admit interests of a personal or partisan nature. It is one of credit or discredit to our Government, and of vital importance to our people. A commission of eminent legislators have been for months investigating the subject, and the greatest danger to be feared is that no good will result, or that a mere makeshift will be adopted by which neither party will be benefited. The writer would deprecate any radical change without a clearly defined plan for the government and gradual elevation of the Indian race, for such is believed to be both practicable and judicious. Now, in order that peace may be secured, the Indians benefited, and protection given to the extensive settlements scattered over a greater area than the whole of the Atlantic States, it is believed that a plan could be devised which would enlist the hearty approval and support of men of all parties. The object is surely worthy of the effort. No body of people whose language, religion, and customs are so entirely different from ours can be expected to cheerfully and suddenly adopt our own. The change must be gradual, continuous, and in accordance with Nature's laws. The history of nearly every race that has advanced from barbarism to civilization has been through the stages of the hunter, the herdsman, the agriculturist, and finally reaching those of commerce, mechanics, and the higher arts.

It is held, first, that we as a generous people and liberal Government are bound to give to the Indians the same rights that all other men enjoy, and if we deprive them of these privileges we must then give them the best government possible. Without any legitimate government, and in a section of country where the lawless are under very little restraint, it is useless to suppose that thousands of wild savages thoroughly armed and mounted can be controlled by moral suasion. Even if they were in the midst of comfortable and agreeable surroundings, yet when dissatisfaction is increased by partial imprisonment and quickened by the pangs of hunger, a feeling that is not realized by one man in a thousand in civilized life, it requires more patience and forbearance than savage natures are likely to possess to prevent serious outbreaks.

The experiment of making a police force composed entirely of Indians is a dangerous one, unless they are under the shadow and control of a superior body of white troops, and, if carried to any great extent, will result in rearming the Indians and work disastrously to the frontier settlements. There would be a slight incongruity in a government out on the remote frontier, composed of a strictly non-combatant for chief, with a *posse comitatus* of red warriors, undertaking to control several thousand wild savages!

The available land that can be given to the Indians is being rapidly diminished; they can not be moved farther West; and some political party or administration must take the responsibility of protecting the Indians in their rights of person and property.

The advantage of placing the Indians under some government strong enough to control them and just

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enough to command their respect is too apparent to admit of argument. The results to be obtained would be:

First. They would be beyond the possibility of doing harm, and the frontier settlements would be freed from their terrifying and devastating presence.

Second. They would be under officials having a knowledge of the Indian country and the Indian character.

Third. Their supplies and annuities would be disbursed through an efficient system of regulations.

Fourth. Besides being amenable to the civil laws, these officers would be under strict military law, subject to trial and punishment for any act that would be "unbecoming a gentleman, or prejudicial to good order."

It is therefore suggested and earnestly recommended that a system which has proved to be eminently practicable should receive at least a fair trial. As the Government has in its employ men who by long and faithful service have established reputations for integrity, character, and ability which can not be disputed — men who have commanded armies, reconstructed States, controlled hundreds of millions of public property, and who during years of experience on the frontier have opened the way for civilization and Christianity — it is believed that the services of these officials, in efforts to prevent war and elevate the Indian race, would be quite as judicious as their employment when inexperience and mismanagement have culminated in hostilities. Allowing the civilized and semi-civilized Indians to remain under the same supervision as at present, the President of the United States should have power to place the wild and nomadic tribes under the control of the War Department. Officers of known character, integrity, and experience, who would govern them and be interested in improving their condition, should be placed in charge of the different tribes. One difficulty has been, that they have been managed by officials too far away, and who knew nothing of the men they were dealing with. The Indians, as far as possible, should be localized on the public domain, in sections of country to which they are by nature adapted.

The forcing of strong, hardy, mountain Indians from the extreme North to the warmer malarial districts of the South is regarded as cruel, and should be discontinued.

Every effort should be made to locate the Indians by families, for the ties of relationship among them are much stronger than is generally supposed. By this means the Indians will become independent of their tribal relations, and will not be found congregated in large and unsightly camps, as are now usually met with about their agencies.

Much of the army transportation now used in scouting for Indians and clearing the country could be utilized in transporting their stores, breaking the ground, and preparing the way for making the Indians self-supporting.

All supplies, annuities, and disbursements of money should be made under the same system of accountability as now regulates army disbursements. The officers in charge should have sufficient force to preserve order, patrol the reservations, prevent intrusions, recover stolen property, arrest the lawless and those who take refuge in Indian camps to shield themselves from punishment for crimes or to enable them to live without labor, and to keep the Indians upon their reservations and within the limits of their treaties. The officer in charge would be enabled to control or prevent the sale of ammunition, as well as to suppress the sale of intoxicating liquors among the Indians. Many thousands of the Indian ponies, useful only for the war or the chase, should be sold and the proceeds used in the purchase of domestic stock. A large percentage of the annual appropriations should be employed in the purchase of cattle and other domestic animals; the Indians desire them, and the Plains will support hundreds of thousands of them. They will replace the buffalo, the elk, the deer, and the antelope. These cattle and other animals should be branded and given to the Indians by families; the surplus stock to be sold after three years under such restricted rules as would enable the Indians to receive full return for their property. From a pastoral people the Indians should be induced to become agriculturists; taught the seasons to plant and to harvest the variety of valuable products and the use of machinery as a means of obtaining food. The step from the first grade to the second would be easily accomplished provided the Indians were directed by a firm hand. As they accumulate property and learn industry, there would be a threefold incentive to their remaining at peace, namely, occupation, the fear of confiscation of property, and the loss of the comforts of life.

The above is no idle theory, as the writer has advocated such a policy for years, and by actual and successful experience has demonstrated that such was practicable even with the wildest tribes of the Plains, a part of whom, eighteen months before, had never shaken hands with a white man.

Two more important measures of improvements are also needed, and should be authorized by Congress.

In all communities there will be found disturbing elements, and, to meet this difficulty, courts of justice should be instituted. Frequently outbreaks and depredations are prompted by a few mischievous characters, which could easily be checked by a proper government. This is one secret of success with the Canadian system: where disturbances occur, the guilty suffer, and not whole tribes, including innocent women and children.

As a remark from Sitting Bull has been quoted, we will now repeat the words of Joseph, who says that "the greatest want of the Indian is a system of law by which controversies between Indians, and between Indians and white men, can be settled without appealing to physical force." He says also that "the want of law is the great source of disorder among Indians. They understand the operation of laws, and, if there were any statutes, the Indians would be perfectly content to place themselves in the hands of a proper tribunal, and would not take the righting of their wrongs into their own hands, or retaliate, as they now do, without the law."

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Do we need a savage to inform us of the necessity that has existed for a century? As these people become a part of our population, they should have some tribunal where they could obtain protection in their rights of person and property. A dispute as to the rights of property between an Indian and a white man before a white juror might not be decided in exact accordance with justice *in some localities.* Fortunately, our Constitution provides that "the judicial power of the United States shall be vested in one Supreme Court, and such inferior courts as Congress may from time to time ordain and establish"; and it is believed that Congress has power, at least in the Territories, to give such jurisdiction either to the military courts, or the Territorial courts, or both, as will secure justice to the Indians in disputes arising between the Indians and the white men.

The warriors may be made to care for their flocks and herds, and the industry of the Indians that is now wasted may be diverted to peaceful and useful pursuits; yet the great work of reformation must be mainly through the youth of the different tribes. The hope of every race is in the rising generation. This important work might well enlist the sympathy and support of all philanthropic and Christian people. As we are under obligation to support the tribes until they become self-sustaining, it might be advisable to support as many as possible of the children of the Indians at places where they would be the least expensive to the Government, and where they would be under the best influence. As the Government has expended hundreds of thousands of dollars in building military posts that are no longer occupied or required, and as there are at these places excellent buildings and large reservations, it would be well to utilize them for educational and industrial purposes. The present school system is regarded as too expensive, and productive of little good. The children are exposed to the degrading influence of camp-life, and the constant moving of the tribes destroys the best efforts of instructors. Several years ago the writer recommended the use of several of our unoccupied military posts, and that as many of the youth of the different tribes as could be gathered voluntarily be placed at these establishments, particularly the sons of chiefs, who will in a few years govern the different tribes. These could soon be taught the English language, habits of industry, the benefits of civilization, the power of the white race, and, after a few years, return to their people with some education, with more intelligence, and with their ideas of life entirely changed for the better. They would in turn become the educators of their own people, and their influence for good could not be estimated, while the expense of educating them would be less than at present, and thousands would be benefited thereby. The Indians, as they become civilized and educated, as they acquire property and pay taxes toward the support of the Government, should have the same rights of citizenship as all other men enjoy.

The President of the United States should have power to transfer from the War Department to the Interior Department any tribe that shall become so far civilized and peaceable in its disposition as to render it unnecessary to keep its members longer under the control of the military.

Whenever an emergency arises which has not been foreseen and provided for by Congress, such as failure or destruction of their crops, the President should have power, on the recommendation of the officer in charge or the Governors of the different Territories in which they are living, to order the necessary supplies, as has been done in several instances to white people, in order to prevent great suffering or a serious disturbance of the peace; such supplies to be limited to the smallest necessity, and only until such time as Congress could take action on the matter.

A continuation of the system which has prevailed for the past twenty years will, it is believed, simply perpetuate a condition of affairs the result of which is a chronic state of insecurity and hostilities. The question may as well be met and decided. A race of savages can not by any human ingenuity be civilized and Christianized within a few years of time, neither will 250,000 people with their descendants be destroyed in the next fifty years. The white man and the Indian should be taught to live side by side, each respecting the rights of the other, and both living under wholesome laws, enforced with ample authority and exact justice. Such a government would be most gratifying and beneficial to the Indians, while those men who have invested their capital, and with wonderful enterprise are developing the unparalleled and inexhaustible wealth that for ages has lain dormant in the Western mountains, those people who have left the overcrowded centers of the East, and whose humble homes are now dotting the plains and valleys of the far West, as well as those men who are annually called upon to endure greater exposure and suffering than is required by the troops of any other nation on the globe, would hail with great satisfaction any system that would secure a substantial and lasting peace. □

". . . Indian ponies, useful only for war or the chase, should be sold, and the proceeds used in the purchase of domestic stock."

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Carl Schurz

1881

Secretary of the Interior under Hayes, Schurz was a German emigrant active in the Republican party. He was anti-slavery, and had been minister to Spain during the Lincoln administration.

Present Aspects of the Indian Problem

That the history of our Indian relations presents, in great part, a record of broken treaties, of unjust wars, and of cruel spoliation, is a fact too well known to require proof or to suffer denial. But it is only just to the Government of the United States to say that its treaties with Indian tribes were, as a rule, made in good faith, and that most of our Indian wars were brought on by circumstances for which the Government itself could not fairly be held responsible. Of the treaties, those were the most important by which the Government guaranteed to Indian tribes certain tracts of land as reservations to be held and occupied by them forever under the protection of the United States, in the place of other lands ceded by the Indians. There is no reason to doubt that in most, if not all, of such cases, those who conducted Indian affairs on the part of the Government, not anticipating the rapid advance of settlement, sincerely believed in the possibility of maintaining those reservations intact for the Indians, and that, in this respect, while their intentions were honest, their foresight was at fault. There are men still living who spent their younger days near the borders of "Indian country" in Ohio and Indiana, and it is a well-known fact that, when the Indian Territory was established west of the Mississippi, it was generally thought that the settlements of white men would never crowd into that region, at least not for many generations. Thus were such reservations guaranteed by the Government with the honest belief that the Indians would be secure in their possession, which, as subsequent events proved, was a gross error of judgment.

It is also a fact that most of the Indian wars grew, not from any desire of the Government to disturb the Indians in the territorial possessions guaranteed to them, but from the restless and unscrupulous greed of frontiersmen who pushed their settlements and ventures into the Indian country, provoked conflicts with the Indians, and then called for the protection of the Government against the resisting and retaliating Indians, thus involving it in the hostilities which they themselves had begun. It is true that in some instances Indian wars were precipitated by acts of rashness and violence on the part of military men without orders from the Government, while the popular impression that Indian outbreaks were generally caused by the villainy of Government agents, who defrauded and starved the Indians, is substantially unfounded. Such frauds and robberies have no doubt been frequently committed. It has also happened that Indian tribes were exposed to great suffering and actual starvation in consequence of the neglect of Congress to provide the funds necessary to fulfill treaty stipulations. But things of this kind resulted but seldom in actual hostilities. To such wrongs the Indians usually submitted with a more enduring patience than they receive credit for, although in some instances, it must be admitted, outrages were committed by Indians without provocation, which resulted in trouble on a large scale.

In mentioning these facts, it is not my purpose to hold the Government entirely guiltless of the wrongs inflicted upon the Indians. It has, undoubtedly, sometimes lacked in vigor when Indian tribes needed protection. It has, in many cases, yielded too readily to the pressure of those who wanted to possess themselves of Indian lands. Still less would I justify some high-handed proceedings on the part of the Government in moving peaceable Indian tribes from place to place without their consent, trying to rectify old blunders by new acts of injustice. But I desire to point out that by far the larger part of our Indian troubles have sprung from the greedy encroachments of white men upon Indian lands, and that, hostilities being brought about in this manner, in which the Indians uniformly succumbed, old treaties and arrangements were overthrown to be supplanted by new ones of a similar character which eventually led to the same results. In the light of events, the policy of assigning to the Indian tribes large tracts of land as permanent reservations, within the limits of which they might continue to roam at pleasure, with the expectation that they would never be disturbed thereon, appears as a grand mistake, a natural, perhaps even an unavoidable mistake in times gone by, but a mistake for all that, for that policy failed to take into account the inevitable pressure of rapidly and irresistibly advancing settlement and enterprise. While duly admitting and confessing the injustice done, we must understand the real nature of the difficulty if we mean to solve it.

No intelligent man will to-day for a moment entertain the belief that there is still a nook or corner of this country that has the least agricultural or mineral value in it, beyond the reach of progressive civilization. Districts which seemed to be remote wildernesses but a few years ago have been or are now being penetrated by railroads: Montana, Washington Territory, Idaho, and New Mexico

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are now more easily accessible than Ohio and Indiana were at the beginning of this century, and the same process which resulted in crowding the Indians out of these States has begun and is rapidly going on in those Territories. The settler and miner are beginning, or at least threatening, to invade every Indian reservation that offers any attraction, and it is a well-known fact that the frontiersman almost always looks upon Indian lands as the most valuable in the neighborhood, simply because the Indian occupies them and the white man is excluded from them. From the articles in the newspapers of those remote Territories, it would sometimes appear as if, in the midst of millions of untouched acres, the white people were deprived of the necessary elbow-room as long as there is an Indian in the country. At any rate, the settlers and miners want to seize upon the most valuable tracts first, and they are always inclined to look for them among the lands of the Indians. The fact that wild Indians—and here it is proper to say that when in this discussion Indians are spoken of as "wild," and their habits of life as "savage," these terms are not used in their extreme sense, but as simply meaning "uncivilized," there being of course among them, in that respect, a difference of degrees—hold immense tracts of country which, possessed by them, are of no advantage to anybody, while, as is said, thousands upon thousands of white people stand ready to cultivate them and to make them contribute to the national wealth, is always apt to make an impression upon minds not accustomed to nice discrimination. It is needless to say that the rights of the Indians are a matter of very small consideration in the eyes of those who covet their possessions. The average frontiersman looks upon the Indian simply as a nuisance that is in his way. There are certainly men among them of humane principles, but also many whom it would be difficult to convince that it is a crime to kill an Indian, or that to rob an Indian of his lands is not a meritorious act. This pressure grows in volume and intensity as the population increases, until finally, in some way or another, one Indian reservation after another falls into the hands of white settlers. Formerly, when this was accomplished, the Indians so dispossessed were removed to other vacant places farther westward. Now this expedient is no longer open. The western country is rapidly filling up. A steady stream of immigation is following the railroad lines and then spreading to the right and left. The vacant places still existing are either worthless or will soon be exposed to the same invasion. The plains are being occupied by cattle-raisers, the fertile valleys and bottom-lands by agriculturists, the mountains by miners. What is to become of the Indians?

In trying to solve this question, we have to keep in view the facts here recited. However we may deplore the injustice which these facts have brought, and are still bringing, upon the red men, yet with these facts we have to deal. They are undeniable. Sound statesmanship cannot disregard them. It is true that the Indian reservations now existing cover a great many millions of acres, containing very valuable tracts of agricultural, grazing, and mineral land; that the area now cultivated, or that can possibly be cultivated by the Indians, is comparatively very small; that by far the larger portion is lying waste. Is it not, in view of the history of more than two centuries, useless to speculate in our minds how these many millions of acres can be preserved in their present state for the Indians to roam upon?—how the greedy push of settlement and enterprise might be permanently checked for the protection of the red man's present possessions, as hunting-grounds upon which, moreover, there is now but very little left to hunt? We are sometimes told that ours is a powerful government, which might accomplish such things if it would only put forth its whole strength. Is this so? The Government is, indeed, strong in some respects, but weak in others. It may be truthfully said that the Government has never been intent upon robbing the Indians. It has frequently tried, in good faith, to protect them against encroachment, and almost as frequently it has failed. It has simply yielded to the pressure exercised upon it by the people who were in immediate contact with the Indians. Those in authority were, in most cases, drawn or driven into an active participation in conflicts not of their own making. When a collision between Indians and whites had once occurred, no matter who was responsible for it, and when bloody deeds had been committed and an outcry about Indian atrocities risen up, our military forces were always found on the side of the white people and against the savage, no matter whether those who gave the orders knew that the savages were originally the victims and not the assailants. Imagine, now, the Government were to proclaim that, from the many millions of acres at present covered by Indian reservations, white men should forever be excluded, and that the national power should be exerted to that end, what would be the consequence? For some time the Government might succeed in enforcing such a resolution. How long, would depend upon the rapidity with which the western country is occupied by settlers. As the settlements crowd upon the reservations, the population thickens, and the demand for larger fields of agricultural and mining enterprise becomes more pressing, the Government may still remain true to its purpose. But will those who are hungry for the Indian lands sit still? It will be easy for the rough and reckless frontiersmen to pick quarrels with the Indians. The speculators, who have their eyes upon every opportunity for gain, will urge them on. The watchfulness of the Government will, in the long run, be unavailing to prevent collisions. The Indians will retaliate. Settlers' cabins will be burned and blood will flow. The conflict once brought on, the white man and the red man will stand against one another, and, in spite of all its good intentions and its sense of justice, the forces of the Government will find themselves engaged on the side of the white man. The Indians will be hunted down at whatever cost. It will simply be a repetition of the old story, and that old story will be eventually repeated whenever there is a large and valuable Indian reservation surrounded by white settlements. Unjust, disgraceful, as this may be, it is not only probable, but al-

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most inevitable. The extension of our railroad system will only accelerate the catastrophe.

We are frequently told that the management of Indian affairs in Canada has been more successful than ours in avoiding such conflicts. This appears to be true. But, while giving credit to the Canadian authorities for the superiority of their management in some respects, we must not forget that they are working under conditions far less difficult. The number of their Indians is much less, and their unoccupied territory much larger. They have still what may be called an Indian frontier—the white men on one side of the line and the Indians on the other, with vast hunting-grounds visited only by the trapper and fur-trader. Their agricultural settlements advance with far less rapidity than ours. There is far less opportunity for encroachment. When in the British possessions agricultural and mining enterprise spreads with the same energy and eagerness as in the United States, when railroads penetrate their Indian country, when all that is valuable in it becomes thus accessible and tempting to the greed of white men, when game becomes scarce and ceases to furnish sufficient sustenance to the Indians, the Canadian authorities in their management of Indian affairs will find themselves confronted with the same difficulties.

What does, under such circumstances, wise and humane statesmanship demand? Not that we should close our eyes to existing facts; but that, keeping those facts clearly in view, we should discover among the possibilities that which is most just and best for the Indians. I am profoundly convinced that a stubborn maintenance of the system of large Indian reservations must eventually result in the destruction of the red men, however faithfully the Government may endeavor to protect their rights. It is only a question of time. My reasons for this belief I have given above. What we can and should do is, in general terms, to fit the Indians, as much as possible, for the habits and occupations of civilized life, by work and education; to individualize them in the possession and appreciation of property, by allotting to them lands in severalty, giving them a fee simple title individually to the parcels of land they cultivate, inalienable for a certain period, and to obtain their consent to a disposition of that part of their lands which they cannot use, for a fair compensation, in such a manner that they no longer stand in the way of the development of the country as an obstacle, but form part of it and are benefited by it.

The circumstances surrounding them place before the Indians this stern alternative: extermination or civilization. The thought of exterminating a race, once the only occupant of the soil upon which so many millions of our own people have grown prosperous and happy, must be revolting to every American who is not devoid of all sentiments of justice and humanity. To civilize them, which was once only a benevolent fancy, has now become an absolute necessity, if we mean to save them.

Can Indians be civilized? This question is answered in the negative only by those who do not want to civilize them. My experience in the management of Indian affairs, which enabled me to witness the progress made even among the wildest tribes, confirms me in the belief that it is not only possible but easy to introduce civilized habits and occupations among Indians, if only the proper means are employed. We are frequently told that Indians will not work. True, it is difficult to make them work as long as they can live upon hunting. But they will work when their living depends upon it, or when sufficient inducements are offered to them. Of this there is an abundance of proof. To be sure, as to Indian civilization, we must not expect too rapid progress or the attainment of too lofty a standard. We can certainly not transform them at once into great statesmen, or philosophers, or manufacturers, or merchants; but we can make them small farmers and herders. Some of them show even remarkable aptitude for mercantile pursuits on a small scale. I see no reason why the degree of civilization attained by the Indians in the States of New York, Indiana, Michigan, and some tribes in the Indian Territory, should not be attained in the course of time by all. I have no doubt that they can be sufficiently civilized to support themselves, to maintain relations of good neighborship with the people surrounding them, and altogether to cease being a disturbing element in society. The accomplishment of this end, however, will require much considerate care and wise guidance. That care and guidance is necessarily the task of the Government which, as to the Indians at least, must exercise paternal functions until they are sufficiently advanced to take care of themselves.

In this respect, some sincere philanthropists seem inclined to run into a serious error in insisting that first of all things it is necessary to give to the Indian the rights and privileges of American citizenship, to treat him in all respects as a citizen, and to relieve him of all restraints to which other American citizens are not subject. I do not intend to go here into a disquisition on the legal status of the Indian, on which elaborate treatises have been written, and learned judicial decisions rendered, without raising it above dispute. The end to be reached is unquestionably the gradual absorption of the Indians in the great body of American citizenship. When that is accomplished, then, and only then, the legal status of the Indian will be clearly and finally fixed. But we should not indulge in the delusion that the problem can be solved by merely conferring upon them rights they do not yet appreciate, and duties they do not yet understand. Those who advocate this seem to think that the Indians are yearning for American citizenship, eager to take it if we will only give it to them. No mistake could be greater. An overwhelming majority of the Indians look at present upon American citizenship as a dangerous gift, and but few of the more civilized are willing to accept it when it is attainable. And those who are uncivilized would certainly not know what to do with it if they had it. The mere theoretical endowment of savages with rights which are beyond their understanding and appreciation will, therefore, help them little. They should certainly have that standing in the courts which is necessary for their

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protection. But full citizenship must be regarded as the terminal, not as the initial, point of their development. The first necessity, therefore, is not at once to give it to them, but to fit them for it. And to this end, nothing is more indispensable than the protecting and guiding care of the Government during the dangerous period of transition from savage to civilized life. When the wild Indian first turns his face from his old habits toward "the ways of the white man," his self-reliance is severely shaken. The picturesque and proud hunter and warrior of the plain or the forest gradually ceases to exist. In his new occupations, with his new aims and objects, he feels himself like a child in need of leading-strings. Not clearly knowing where he is to go, he may be led in the right direction, and he may also be led astray. He is apt to accept the vices as well as the virtues and accomplishments of civilization, and the former, perhaps, more readily than the latter. He is as accessible to bad as to good advice or example, and the class of people usually living in the immediate vicinity of Indian camps and reservations is frequently not such as to exercise upon him an elevating influence. He is in danger of becoming a drunkard before he has learned to restrain his appetites, and of being tricked out of his property before he is able to appreciate its value. He is overcome by a feeling of helplessness, and he naturally looks to the "Great Father" to take him by the hand and guide him on. That guiding hand must necessarily be one of authority and power to command confidence and respect. It can be only that of the government which the Indian is accustomed to regard as a sort of omnipotence on earth. Everything depends upon the wisdom and justice of that guidance.

To fit the Indians for their ultimate absorption in the great body of American citizenship, three things are suggested by common sense as well as philanthropy.

1. That they be taught to work by making work profitable and attractive to them.

2. That they be educated, especially the youth of both sexes.

3. That they be individualized in the possession of property by settlement in severalty with a fee simple title, after which the lands they do not use may be disposed of for general settlement and enterprise without danger and with profit to the Indians.

This may seem a large programme, strangely in contrast with the old wild life of the Indians, but they are now more disposed than ever before to accept it. Even those of them who have so far been in a great measure living upon the chase, are becoming aware that the game is fast disappearing, and will no longer be sufficient to furnish them a sustenance. In a few years the buffalo will be exterminated, and smaller game is gradually growing scarce except in the more inaccessible mountain regions. The necessity of procuring food in some other way is thus before their eyes. The requests of Indians addressed to the Government for instruction in agriculture, for agricultural implements, and for stock cattle, are in consequence now more frequent and pressing than ever before. A more general desire for the education of their children springs from the same source, and many express a wish for the allotment of farm tracts among them, with "the white man's paper," meaning a good, strong title like that held by white men. This progressive movement is, of course, different in degree with different tribes, but it is going on more or less everywhere. The failure of Sitting Bull's attempt to maintain himself and a large number of followers on our northern frontier in the old wild ways of Indian life will undoubtedly strengthen the tendency among the wild Indians of the North-west to recognize the situation and to act accordingly. The general state of feeling among the red men is therefore now exceedingly favorable to the civilizing process.

Much has already been done in the direction above indicated. The area of land cultivated by Indians is steadily extended, and the quantity and value of their crops show a hopeful increase from year to year. Many Indians are already showing commendable pride in the product of their labor. Much more, however, might be done by the Government to facilitate and encourage this progress, by making larger appropriations for the appointment of men competent to instruct the Indians in agricultural work, and for furnishing them with farming implements. Unfortunately, members of Congress are frequently more intent upon making a good record in cutting down expenses in the wrong place, than upon providing the necessary money for objects the accomplishment of which would finally result in real and great economy. It may be remarked, by the way, that the promotion of agricultural work among the Indians is frequently discouraged by well-meaning men who reason upon the theory that in the transition from savage to civilized life, the pastoral state comes before the agricultural, and that the Indians, therefore, must be made herders before they can be made farmers. This theory is supported by historical precedents. It is true that the transition from the savage state to the pastoral is less violent than that from the savage state directly to the agricultural, but this does not prove that the latter is impossible. Moreover, the former requires certain favorable conditions, one of which is not only the possession of large tracts of grazing land but also of large numbers of cattle; and another is, that the transition, which would necessarily require a considerable time, be not interfered with by extraneous circumstances. There are only a few isolated instances of Indian tribes having devoted themselves successfully to the raising of herds and flocks, such as the Navajoes, who have hundreds of thousands of sheep, and manufacture excellent blankets by hand. Some thrifty Indians on the Pacific coast have raised small herds of cattle, and something more has been done by the so-called civilized tribes in the Indian Territory. The rest of the Indians have only raised ponies. To make all our wild Indians herders, would require the maintenance of the system of large reservations which, as I have shown, will be a precarious thing under the pressure of advancing settlement and enterprise. It would further require the distribution among them of large numbers of stock animals. Such distributions have been gradually increased, but

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even among the tribes best provided for, only to the extent of giving to each family one or two cows, and I see no prospect, with the resources likely to be at the disposal of the Indian service, of carrying this practice much farther than to make it more general among all the tribes. But the possession of a cow or two will not make a man a herder. And even if the number were increased, and the cattle belonging to the members of a tribe were herded together for the purpose of regular cattle-raising, that pursuit would require the constant labor of only a small number of individuals, while, under existing circumstances, it is most desirable, if not absolutely necessary, that all of them, or at least as many as possible, be actively and profitably employed, so as to accelerate the civilizing process. To this end it seems indispensable that agricultural work be their principal occupation. But we need not be troubled by any misgivings on this head. The reports of early explorers show that most of our Indian tribes, without having passed through the pastoral state, did cultivate the soil in a rough way and on a small scale when first seen by white men, and that subsequently they continued that pursuit to a greater or less extent, even while they were driven from place to place. The promotion of agricutural work among them will therefore only be a revival and development of an old practice. The progress they now make shows how naturally they take to it. And if the Government, as it should, continues to furnish them with domestic animals, cattle-raising in a small way may become, not their principal business, but a proper and valuable addition to their agricultural work. I have no doubt, however, that young Indians may be profitably employed by the cattle-raisers of the West, as mounted herdsmen or "cow-boys." If paid reasonable wages, they would probably be found very faithful and efficient in that capacity.

Other useful occupations for which the Indians show great aptitude have been introduced with promising success. They are now doing a very large part of the freighting of Government goods, such as their own supplies and annuities. "Indian freighting," on a large scale, was introduced only a very few years ago, at almost all the agencies, especially on this side of the Rocky Mountains, which are not immediately accessible by railroad or river. The Indians use their own ponies as draught animals, while the Government furnishes the wagons and harness. The Indians have, by this industry, already earned large sums of money, and proved the most honest and efficient freighters the Government ever had. There is no reason why, in the course of time, they should not be largely engaged by the Government, as well as private parties, in the transportation of other than Indian goods.

That Indians can be successfully employed at various kinds of mechanical work, has already been sufficiently tested. A respectable number of their young men serve as apprentices in the saddler, blacksmith, shoe-maker, tinsmith, and carpenter shops at the agencies in the West, as well as at the Indian schools, and their proficiency is much commended. The school at Carlisle has been able to furnish considerable quantities of tin-ware, harness, and shoes, all made by Indian labor, and, in some of the saw-mills and grist-mills on the reservations, Indians are employed as machinists with perfect safety. Many Indians who, but a few years ago, did nothing but hunting and fighting, are now engaged in building houses for their families, and, with some instruction and aid on the part of the Government, they are doing reasonably well. Here and there an Indian is found who shows striking ability as a trader. All these things are capable of large and rapid development, if pushed forward and guided with wisdom and energy. All that is said here refers to the so-called wild tribes, such as the Sioux, the Shoshones, Poncas, Cheyennes, Arrapahoes, Pawnees, etc. The significant point is that, recognizing the change in their situation, Indian men now almost generally accept work as a necessity, while formerly all the drudgery was done by their women. The civilized tribes in the Indian Territory and elsewhere have already proved their capacity for advancement in a greater measure.

One of the most important agencies in the civilizing process is, of course, education in schools. The first step was the establishment of day-schools on the reservations for Indian children. The efforts made by the Government in that direction may not always have been efficiently conducted; but it is also certain that, in the nature of things, the result of that system could not be satisfactory. With the exception of a few hours spent in school, the children remained exposed to the influence of their more or less savage home surroundings, and the indulgence of their parents greatly interfered with the regularity of their attendance and with the necessary discipline. Boarding-schools at the agencies were then tried, as far as the appropriations made by Congress would permit, adding

". . . It is a well-known fact that the frontiersman almost always looks upon Indian lands as the most valuable in the neighborhood, simply because the Indian occupies them . . ."

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to the usual elementary education some practical instruction in housework and domestic industries. The results thus obtained were perceptibly better, but even the best boarding-schools located on Indian reservations, in contact with no phase of human life except that of the Indian camp or village, still remain without those conditions of which the work of civilizing the growing Indian generation stands most in need.

The Indian, in order to be civilized, must not only learn how to read and write, but how to live. On most of the Indian reservations he lives only among his own kind, excepting the teachers and the few white agency people. He may feel the necessity of changing his mode of life ever so strongly; he may hear of civilization ever so much; but as long as he has not with his own eyes seen civilization at work, it will remain to him only a vague, shadowy idea—a new-fangled, outlandish contrivance, the objects of which cannot be clearly appreciated by him in detail. He hears that he must accept "the white man's way," and, in an indistinct manner, he is impressed with the necessity of doing so. But what is the white man's way? What ends does it serve? What means does it employ? What is necessary to attain it? The teaching in a school on an Indian reservation, in the midst of Indian barbarism, answers these questions only from hearsay. The impressions it thus produces, whether in all things right or in some things wrong, will, in any event, be insufficient to give the mind of the Indian a clear conception of what "the white man's way" really is. The school on the reservation undoubtedly does some good, but it does not enough. If the Indian is to become civilized, the most efficient method will be to permit him to see and watch civilization at work in its own atmosphere. In order to learn to live like the white man, he should see and observe how the white man lives in his own surroundings, what he is doing, and what he is doing it for. He should have an opportunity to observe, not by an occasional bewildering glimpse, like the Indians who now and then come to Washington to see the "Great Father," but observe with the eye of an interested party, while being taught to do likewise.

Such considerations led the Government, under the last administration, largely to increase the number of Indian pupils at the Normal School at Hampton, Va., and to establish an institution for the education of Indian children at Carlisle, in Pennsylvania, where the young Indians would no longer be under the influence of the Indian camp or village, but in immediate contact with the towns, farms, and factories of civilized people, living and working in the atmosphere of civilization. In these institutions, the Indian children, among whom a large number of tribes are represented, receive the ordinary English education, while there are various shops and a farm for the instruction of the boys, and the girls are kept busy in the kitchen, dining-room, sewing-room, and with other domestic work. In the summer, as many as possible of the boys are placed in the care of intelligent and philanthropic farmers and their families, mostly in Pennsylvania and New England, where they find instructive employment in the field and barn-yard. The pupils are, under proper regulations, permitted to see as much as possible of the country and its inhabitants in the vicinity of the schools.

The results gained at these institutions are very striking. The native squalor of the Indian boys and girls rapidly gives way to neat appearance. A new intelligence, lighting up their faces, transforms their expression. Many of them show an astonishing eagerness to learn, quickness of perception, pride of accomplishment, and love for their teachers. Visiting the Carlisle school, I saw Indian boys, from ten to fifteen years old, who had arrived only five months before without the least knowledge of the English language, writing down long columns of figures at my dictation, and adding them up without the least mistake in calculation. Almost all submit cheerfully to the discipline imposed upon them. The boys show remarkable proficiency in mechanical and agricultural occupations, and the girls in all kinds of housework. They soon begin to take a lively and intelligent interest in the things they see around them. Most of this success is undoubtedly due to the intelligence, skill, and energy of the principals of those schools, General Armstrong and Captain Pratt, who in an eminent degree unite enthusiasm with practical ability. But it is evident that the efforts of the most devoted teachers would be of little avail, did not the pupils possess a corresponding capacity of receiving instruction. A third school of this kind was more recently established on the same plan at Forest Grove, in Oregon, for the education of children of the Indian tribes on the Pacific coast.

When the Indian pupils have received a sufficient course of schooling, they are sent back to their tribes, to make themselves practically useful there, and to serve, in their turn, as teachers and examples. We hear sometimes the opinion expressed that the young Indians so educated, when returned to their tribes, will, under the

". . . In spite of all its good intentions and its sense of justice, the forces of the Government will find themselves engaged on the side of the white man. The Indians will be hunted down . . ."

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influence of their surroundings, speedily relapse into their old wild habits, and that thus the results of their training will, after all, be lost. Undoubtedly there was good reason for such apprehensions at the time when the Indians had no other conception of their future than an indefinite continuance of their old life as hunters and warriors, when civilized pursuits were not in demand among them, and all influences were adverse to every effort in that direction. Then, an educated Indian necessarily found himself isolated among his people, and his accomplishments were looked upon not only as useless, but as ridiculous. Under such circumstances, of course, he would be apt to relapse. But circumstances have changed since. It is generally known among the Indians that hunting will soon be at an end; that the old mode of life has become untenable, and productive work necessary. Now, knowledge and skill are in immediate demand among them. As long as they expected to live all their lives in tents of buffalo-skin, or of canvas furnished by the Government, the skill of the carpenter appeared to them useless. But now that they build houses for themselves and stables for their animals, the carpenter supplies an actual want. As long as they had no use for wagons, the wagon-maker was superfluous among them. As long as they raised only a little squaw-corn, and to that end found it sufficient to scratch the soil with their rude hoes, no mending of plows was called for. But since they have engaged more largely in agriculture, and are earning much money by freighting, the man who can repair plows and wagons and harness has become in their eyes a distinguished being. As long as they expected to live forever separated from the whites, the knowledge of the white man's language, and of reading and writing, was regarded as an unprofitable, and sometimes even a suspicious acquirement. But since the whites are crowding on all sides round their reservations, and the Indians cannot much longer avoid contact with them, and want to become like them, the knowledge of the white man's language and of the "speaking paper" appears in an entirely new light. Even most of the old-fogy chiefs, who have clung most tenaciously to their traditional customs, very earnestly desire their children to receive that education for which they feel themselves too old. In one word, knowledge and skill are now in practical requisition among them, and the man who possesses these accomplishments is no longer ridiculed, but looked up to and envied. The young Indian, returning from school, will, under such circumstances, not be isolated in his tribe; for he will be surrounded by some who, having received the same education, are like him, and by a larger number who desire to be like him. It is, therefore, no longer to be apprehended that he will relapse into savage life. He will be a natural helper, teacher, and example to his people.

Especial attention is given in the Indian schools to the education of Indian girls, and at Hampton a new building is being erected for that purpose. This is of peculiar importance. The Indian woman has so far been only a beast of burden. The girl, when arrived at maturity, was disposed of like an article of trade. The Indian wife was treated by her husband alternately with animal fondness, and with the cruel brutality of the slave-driver. Nothing will be more apt to raise the Indians in the scale of civilization than to stimulate their attachment to permanent homes, and it is woman that must make the atmosphere and form the attraction of the home. She must be recognized, with affection and respect, as the center of domestic life. If we want the Indians to respect their women, we must lift up the Indian women to respect themselves. This is the purpose and work of education. If we educate the girls of to-day, we educate the mothers of to-morrow, and in educating those mothers we prepare the ground for the education of generations to come. Every effort made in that direction is, therefore, entitled to especial sympathy and encouragement.

It is true that the number of Indian children educated at Hampton, Carlisle, and Forest Grove is comparatively small, at present between four and five hundred. And it may be said that it will always remain small in proportion to the whole number of Indian children of school age. But, I have no doubt, even this comparatively small number, when returning to their tribes, will exercise a very perceptible influence in opening new views of life, in encouraging the desire for improvement, and in facilitating the work of the schools at the agencies. This influence will naturally be strengthened in the same measure as the number of well-educated Indians grows larger. And I see no reason why the Government should not establish many more schools like those at Hampton and Carlisle. It is only a question of money. We are told that it costs little less than a million of dollars to kill an Indian in war. It costs about one hundred and fifty dollars a year to educate one at Hampton or Carlisle. If the education of Indian children saves the country only one small Indian war in the future, it will save money enough to sustain ten schools like Carlisle, with three hundred pupils each, for ten years. To make a liberal appropriation for such a purpose would, therefore, not only be a philanthropic act, but also the truest and wisest economy.

As the third thing necessary for the absorption of the Indians in the great body of American citizenship, I mentioned their individualization in the possession of property by their settlement in severalty upon small farm tracts with a fee simple title. When the Indians are so settled, and have become individual property-owners, holding their farms by the same title under the law by which white men hold theirs, they will feel more readily inclined to part with such of their lands as they cannot themselves cultivate, and from which they can derive profit only if they sell them, either in lots or in bulk, for a fair equivalent in money or in annuities. This done, the Indians will occupy no more ground than so many white people; the large reservations will gradually be opened to general settlement and enterprise, and the Indians, with their possessions, will cease to stand in the way of the "development of the country." The difficulty which has provoked so many encroachments and conflicts will then no longer exist. When the Indians are individual owners of real property, and as individuals enjoy the

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"The circumstances surrounding them place before the Indians this stern alternative: extermination or civilization."

protection of the laws, their tribal cohesion will necessarily relax, and gradually disappear. They will have advanced an immense step in the direction of the "white man's way."

Is this plan practicable? In this respect we are not entirely without experience. Allotments of farm tracts to Indians and their settlement in severalty have already been attempted under special laws or treaties with a few tribes; in some instances, with success; in others, the Indians, when they had acquired individual title to their land, and before they had learned to appreciate its value, were induced to dispose of it, or were tricked out of it by unscrupulous white men, who took advantage of their ignorance. They were thus impoverished again, and some of them fell back upon the Government for support. This should be guarded against, as much as it can be, by a legal provision making the title to their farm tracts inalienable for a certain period, say twenty-five years, during which the Indians will have sufficient opportunity to acquire more provident habits, to become somewhat acquainted with the ways of the world, and to learn to take care of themselves. In some cases where the allotment of lands in severalty and the granting of patents conveying a fee simple title to Indians was provided for in Indian treaties, the Interior Department under the last administration saw fit to put off the full execution of this provision for the reason that the law did not permit the insertion in the patent of the inalienability clause, that without such a clause the Indians would be exposed to the kind of spoliation above mentioned, and that it was hoped Congress would speedily supply that deficiency by the passage of the general "Severalty bill," then under discussion. Indeed, without such a clause in the land-patents, it cannot be denied that the conveyance of individual fee simple title to Indians would be a hazardous experiment, except in the case of those most advanced in civilization.

The question whether and how far the Indians generally are prepared for so great a change in their habits as their settlement in severalty involves, is certainly a very important one. Among those belonging to the five so-called civilized nations in the Indian Territory, opinions on this point are divided. When I visited their Agricultural Fair at Muscogee, two years ago, I found that of the representative men meeting there a minority were in favor, but a strong majority opposed to the division of their lands in severalty. This opposition springs in great part from the timid apprehension of the Indians that the division of their lands would, in the course of time, bring upon them the competition of white men, in which they distrust their ability to hold their own; and this feeling is worked upon by the ambitious politicians among them, who aspire to the high offices in their tribes, and who know that the settlement in severalty will be apt eventually to break up the tribal organization and to deprive the politicians of their importance. The friends of the severalty policy, on the other hand, I found to be mostly bright, active, and energetic men, some of them full-blood Indians, who trust their own ability to sustain themselves, and are clear-headed enough to foresee what the ultimate fate of the Indian race must be. Among the "wild" tribes now beginning to adopt "the white man's way," the idea of settlement in severalty appears more popular in proportion. Appeals to the Government from Indians of that class for the allotment of farm tracts to heads of families and for "the white man's paper," have been very frequent of late, and in many instances very urgent. It is not to be assumed, however, that most of those who make such demands have more than a vague conception of what they are asking for, and that all the consequences of their settlement in severalty are entirely clear to their minds. In treating with uncivilized Indians we must never forget that their thoughts move within the narrow compass of their traditional notions, and that their understanding of any relations of life beyond that limited horizon are mere abstractions to them, and must necessarily be very imperfect. I have become acquainted with several chiefs of so-called "wild" tribes, who had won a reputation as men of ability, such as Spotted Tail, Red Cloud, Chief Joseph, and others, and while I found them to possess considerable shrewdness in the management of their own affairs according to their Indian notions, their grasp of things outside of that circle was extremely uncertain. I may except only Ouray, the late chief of the Ute nation, a man of a comprehensive mind, of large views, appreciating with great clearness not only the present situation of his race, but also its future destiny and the measures necessary to save the Indians from destruction and to assimilate them with the white people with whom they have to live. We must not expect them, therefore, to evolve out of their own consciousness what is best for their salvation. We must in a great measure do the necessary thinking for them, and then in the most humane way possible induce them to accept our conclusions. This is in most cases much more easily accomplished than might generally be

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supposed; for, especially in the transition from savage to civilized life, the Indian looks up with natural respect to the superior wisdom of the "Great Father," and, notwithstanding the distrust engendered by frequent deceptions in his intercourse with white men, it is not difficult to win his confidence if he is only approached with frankness and evidence of good-will. As to the severalty policy, those of the Indians who have become convinced of the necessity of adopting the "white man's way" are easily made to comprehend the advantage of each man's having his own piece of land, and a good title to it. The ulterior consequences, as the gradual dissolution of the tribal relations, the disposition to be made of the unused lands for a fair compensation, and the opening of the large reservations,—these things will become intelligible and naturally acceptable to them as they go on. More opposition to the severalty policy may be apprehended from the "civilized tribes" in the Indian Territory, for the reasons above stated, than from those just emerging from a savage condition. But, I have no doubt, that also will yield in the course of time, as the peculiarities of their situation become clearer to their minds. It is only to be hoped that the change of sentiment may come soon, before the pressure of advancing enterprise has forced a conflict, and while the necessary transformation can be effected in peace and good order.

It must be kept in mind that the settlement of the Indians in severalty is one of those things for which the Indians and the Government are not always permitted to choose their own time. The necessity of immediate action may now and then present itself suddenly. Take the case of the Utes. Living in a country where game was still comparatively abundant down to a recent time, they were less inclined than other "wild" tribes to recognize the necessity of a change in their mode of life. But the pressure of mining enterprise in the direction of the Ute reservation was great. The impatience of the people of Colorado at the occupation by Indians of the western part of the State gave reason for the apprehension of irritations and collisions, and this state of things was aggravated by the occurrence of some disturbances at the agency. Under these circumstances, the Interior Department thought it advisable, in the autumn of 1879, to dispatch a suitable man as special agent to the Ute country, with instructions to allay the troubles existing at the agency, and to inquire whether steps could be taken to effect the settlement of the Utes in severalty, with any chance of success. While this measure was in preparation, the whole aspect of affairs suddenly changed. Fights and massacres occurred on the Ute reservation, which are still fresh in our memory. The people of Colorado were in a blaze of excitement. The cry, "The Utes must go!" rang all over the State. We were on the brink of an Indian war at the beginning of winter. That war threatened to involve the whole Ute nation, and to cost us many lives and millions of money. It would finally have resulted in the destruction of the Ute tribe, or at least a large portion of it,—of the innocent with the guilty, at a great sacrifice, on our part, of blood and treasure. It was evident, to every one capable of judging the emergency, that such a calamity could be averted only by changing the situation of the Indians. Negotiations were opened, and the Utes agreed to be settled in severalty upon lands designated for that purpose, and to cede to the United States the whole of their reservation, except some small tracts of agricultural and grazing lands, in consideration of certain ample equivalents in various forms. Nobody will pretend that the Utes were fully prepared for such a change in their condition. Their chief, Ouray, was probably the only man among them who had a clear conception of the whole extent of that change. But nothing short of it would have saved the Ute tribe from destruction, and averted a most bloody and expensive conflict. In fact, even after that measure of composition, it required the most watchful management to prevent complications and collisions, and that watchful management will have to be continued for some time, for the danger is by no means over.

I cite this as an example to show how, in the conduct of Indian affairs, the necessity of doing certain things without sufficient preparation is sometimes precipitated upon the Government. Similar complications may arise at any time where the pressure of advancing enterprise upon Indian reservations is very great, and sustained by a numerous and rapidly increasing population, but especially where valuable mineral deposits have been discovered or their discovery is in prospect. There is nothing more dangerous to an Indian reservation than a rich mine. But the repeated invasions of the Indian Territory, as well as many other similar occurrences, have shown clearly enough that the attraction of good agricultural lands is apt to have the same effect, especially when great railroad enterprises are pushing in the same direction. It required, on the part of the Government, the greatest vigilance and energy to frustrate the attempted invasions of the Indian Territory, year after year. But as the endeavors of the Government have not always in similar

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cases had the same success in the past, they may not always be equally successful in the future, and there is now scarcely a single Indian reservation in the country that will not soon be exposed to the same chances. It is, therefore, of the utmost importance to the Indians, as well as to the country generally, that a policy be adopted which will secure to them and their descendants the safe possession of such tracts of land as they can cultivate, and a fair compensation for the rest; and that such a policy be proceeded with before the protection of their present large possessions by the Government becomes too precarious, that is to say, before conflicts are precipitated upon them which the Government is not always able to prevent, and by which they may be in danger of losing their lands, their compensation, and even their lives, at the same time. It would undoubtedly be better if they could be carefully prepared for such a change of condition, so that they might clearly appreciate all its requirements and the consequences which are to follow. But those intrusted with the management of Indian affairs must not forget that, with regard to some Indian tribes and reservations at least, the matter is pressing; that the Government cannot control circumstances but is rather apt to be controlled by them, and that it must not only devise the necessary preparations for the change in the condition of the Indians with forecast and wisdom, but must push them with the greatest possible expedition and energy if untoward accidents are to be avoided.

It is, therefore, very much to be regretted that the bill authorizing and enabling the Interior Department to settle the Indians in severalty wherever practicable, to give them patents, conveying a fee simple title to their allotments, inalienable for a certain period, and to dispose of the reservation lands not so allotted with the consent of the Indians and for their benefit, so that they may be opened for general settlement and enterprise, did not become a law at the last session of Congress, or, rather, that such a law was not enacted years ago. The debate in the Senate on the Severalty bill, last winter, turned on the imperfections of its details. No doubt, such imperfections existed. It would, indeed, be very difficult, if not impossible, to draw up a bill of this kind so perfect in all its details that further experience gathered from its practical application might not suggest some desirable amendment. But the essential thing is that opportunity be given to the branch of the Government managing Indian affairs to gather such further experience from the actual experiment, and that opportunity will be given only by the enactment of a law containing the principal features of the plan, and allowing the Executive sufficient latitude in applying it, according to circumstances, wherever the Indians may be prepared for it, or wherever, even without such preparation, the exigencies of the case may demand prompt action. The Executive will then be able understandingly to recommend amendments in the details of the law, as practical experience may point out their necessity. Certainly, not another session of Congress should be permitted to pass without comprehensive legislation on this important subject.

I am aware that I have not discussed here all points of importance connected with the Indian problem, such, for instance, as the necessity of extending the jurisdiction of the courts over Indian reservations, bringing the red men under the protection as well as the restraints of the law; and the question how the service should be organized to secure to the Indians intelligent, honest, and humane management, etc. It has been my purpose merely to set forth those important points which, in the practical management of Indian affairs, should be steadily kept in view. I will recapitulate them:

(1) The greatest danger hanging over the Indian race arises from the fact that, with their large and valuable territorial possessions which are lying waste, they stand in the way of what is commonly called "the development of the country."

(2) A rational Indian policy will make it its principal object to avert that danger from the red men, by doing what will be most beneficial to them, as well as to the whole people: namely, by harmonizing the habits, occupations, and interests of the Indians with that "development of the country."

(3) To accomplish this object, it is of pressing necessity to set the Indians to work, to educate their youth of both sexes, to make them small proprietors of land, with the right of individual ownership under the protection of the law, and to induce them to make that part of their lands which they do not need for cultivation, profitable to themselves in the only possible way, by selling it at a just rate of compensation, thus opening it to general settlement and enterprise.

The policy here outlined is apt to be looked upon with disfavor by two classes of people: on the one hand, those who think that "the only good Indian is a dead Indian," and who denounce every recognition of the Indian's rights and every desire to promote his advancement in civilization, as sickly sentimentality; and on the other hand, that class of philanthropists who, in their treatment of the Indian question, pay no regard to surrounding circumstances and suspect every policy contemplating a reduction of the Indian reservations of being a scheme of spoliation and robbery, gotten up by speculators and "land-grabbers." With the first class it seems useless to reason. As to the second, they do not themselves believe, if they are sensible, that twenty-five years hence millions of acres of valuable land will, in any part of the country, still be kept apart as Indian hunting-grounds. The question is, whether the Indians are to be exposed to the danger of hostile collisions, and of being robbed of their lands in consequence, or whether they are to be induced by proper and fair means to sell that which, as long as they keep it, is of no advantage to anybody, but which, as soon as they part with it for a just compensation, will be of great advantage to themselves and their white neighbors alike. No true friend of the Indian will hesitate to choose the latter line of policy as one in entire accord with substantial justice, humanity, the civilization and welfare of the red men, and the general interests of the country. □

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William Justin Harsha

1882

Responding specifically to the Schurz article, Harsha adopts the practical stance of looking at evidence of white bad faith—and suggests that Indians be considered as real "persons."

Law For the Indians

"The Indian commands respect for his rights only so long as he inspires terror for his rifle."—General Crook.

It may be presumed that the late Secretary of the Interior has given us the ultimate results of his experience with Indian affairs in his recent article in The North American Review. He has vividly stated the difficulties of the problem, has shown where the blame for the starting and continuance of these difficulties is to rest, and has acknowledged manfully that the Government as now exercised cannot reasonably be expected to accomplish a full solution of the question. His article was perhaps called forth by the peculiar interest on the subject which has recently appeared in almost all parts of the country, as he refers to the advocates of the movement to secure law for the Indians as "some sincere philanthropists" and "that class of philanthropists who, in their treatment of the Indian Question, pay no regard to surrounding circumstances." The views and aims of the friends of this movement have not received, perhaps, as full statement and vindication as they deserve,—they certainly suffer somewhat by disparagement in the article to which reference is made: consequently a fair hearing may not be regarded as undue or unnecessary.

That Law is the solution of the Indian problem would seem to be a self-evident proposition, yet this is persistently ignored by Mr. Schurz.

"I am aware," he says, "that I have not discussed here all points of importance connected with the Indian problem; such, for instance, as the necessity of extending the jurisdiction of the courts over Indian reservations, bringing the red men under the protection as well as the restraints of the law, etc. It has been my purpose merely to set forth those important points which, in the practical management of Indian affairs, should be steadily kept in view." It would seem from this that the confessed necessity of extending law to the Indians is not regarded as belonging to the "practical management of Indian affairs."

What then, we ask, is "practical," and what "theoretical," in the policy of the Government toward its wards?

Columbia thus speaks to the Indian:

Theoretically. "You need the protection as well as the restraint of just and equitable laws."

Practically. "This you might have were it not for the unfortunate circumstance that you are not a person. When some philanthropists in an out-of-the way village appealed on your behalf to the courts, it was necessary for me to send a lawyer to argue that you have no personality. When I was beaten, I could not consent to have the suit taken to the Supreme Court of the United States, as that would have made protection of Indians a law of the land."

Theor. "You have rights that I am bound to respect."

Prac. "But these rights may be ignored so easily, under certain unfortunate statutes of 1789 and 1873, that I find it impossible to respect them."

Theor. "You own your land. I have secured it to you by most solemn treaties. I have acknowledged your title to it on many occasions."

Prac. "You cannot sell your land—except to me. In addition to this, when a party of greedy miners or homesteaders clamor for your possessions, saying that you interfere with the progress of civilization, I am in duty bound to rob you of your land and move you out of the way, even against your consent."

Theor. "A corporation may be held responsible for the actions of its agents."

Prac. "You must not imagine that I can be held responsible for the misdeeds of my inspectors or agents. If those placed over you appropriate your funds, all that I can do is to remove them and put the political friends of some other senator in their places."

Theor. "You have a certain degree of intelligence—sufficient to make treaties."

Prac. "If I find, in my superior wisdom, that certain treaties are better broken, you have not sufficient intelligence to place any obligation upon me to keep my stipulations. Hush! You must not clamor for legal protection—that can only come as you advance in intelligence. Continue as you are: rob and be robbed, kill and be killed—the conflict can result in only one way; and if you succeed in attaining a certain standard of education and docility before being exterminated, I will extend over you the jurisdiction of the courts."

This does not seem to us to caricature, in the slightest degree, the difference between the professions and the practice of the Government. And it seems to us that the difficulties in the control of Indian tribes, which make this difference almost necessary, can never be removed until the protection of our law is accorded to the red men.

The first great difficulty mentioned by Mr. Schurz is the adjusting of complaints between the frontiersmen and

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the Indians. The blame of many of the conflicts between the Government and its wards is rightly laid upon the miners and homesteaders who encroach upon the possessions of the Indians. The wide-awake prospector knows perfectly that, if a lead runs into an Indian reservation, he may follow it beyond the line without danger of being successfully prosecuted for infringement. The restless and unscrupulous squatter in Northern Nebraska or Southern Dakota knows perfectly that the horses of the Russian who lives just to the east of him may not be stolen with impunity, but that the ponies of the Indian residing just to the west may be appropriated and the owner can make no appeal to the law—indeed, can only secure his property by stealing it back. And in this transaction should a squabble occur, the only result, in all probability, would be that a hue and cry would be raised in the land against the Indian, so that his removal would be more speedy and inevitable.

All this the late Secretary of the Interior acknowledges to be true, but he will not admit that it results from the lack of that legal protection which, in a practical management of Indian affairs, he places in the background. He does not seem to regard the fact that seems so plain to us, that it is absence of law that places a premium upon the spoliation of the red man. At one moment he seems very near this thought: "It is a well-known fact," he says, "that the frontiersman almost always looks upon Indian lands as the most valuable in the neighborhood, simply because the Indian occupies them, and the white man is excluded from them." But upon the next page he reveals the pitiable weakness of the present system of conducting Indian affairs: "It would be difficult to convince" many of the frontiersmen "that it is a crime to kill an Indian, or that to rob an Indian of his lands is not a meritorious act." So it would be difficult, were there no law against theft, to convince the next fellow who purloins a suit from the clothier's that his action was a crime. But has the law of the United States lost its majesty and power? Can it not, by a wholesome example or two, "convince" any criminal of his crime, and any murderer of the penalty attached to his act? Have the inducements of society—even frontier society—to cling together in the enforcement of law lost their efficacy? Truly, in the protection of Indians by our United States courts, grave difficulties would doubtless arise, growing out of this prejudice against the red men. But if our position is well taken,—that this very prejudice owes its origin to the absence of law,—it might be expected quite rapidly to disappear, now that law would be present. The same complications have been observed to exist in several instances in the past—in the early days of the Anglo-Saxon race, as well as in the case of the black and yellow races in our own land; but as these have disappeared, or give promise of so doing, it needs but the same public sentiment to accomplish a like result for the red men.

It seems to us, furthermore, that what the late Secretary says concerning the use of our army in the management of Indian affairs advertises a singular weakness on the part of our Government. He states that, when collisions occur between the settlers and the Indians, an appeal is made by the white men to the Government, and of course our troops are engaged upon their side. No investigation is made into the causes of the conflict,—in a majority of instances, as is freely admitted, the Indians are the original sufferers,—but in obedience to a certain infatuation of precedent the forces of our nation are commanded to advance against the red men. All of our prominent officers who have been called upon to fight upon the frontier have protested, as is well known, against this barbarous policy. The noble, passionate outcry of General Crook, in view of the massacre of the Cheyennes at Fort Robinson, by command of a United States officer, is simply one example in a hundred of what those who know most of border conflicts feel. Why must the power of the United States be exercised always upon the side of the whites, even when the Indians are in the right? Shall the means that every white man, native or foreign, finds so available for his protection in this country be denied to the original owners of the soil we now possess? These questions are not the outcries of sentimental philanthropy, it seems to us, but the suggestion of the very first thing to be regarded in the practical management of Indian affairs.

Let us take two notable examples in which an appeal to the law would, in all probability, have saved, on the part of the United States, a costly and bloody war or an expensive settlement, and, on the part of the Indians, much suffering. The first case is that of the Utes in Colorado. According to the claims of these Indians, the cause of their outbreaks, which resulted in the death of Thornburgh and Meeker, was the suffering caused among them by the culpable neglect of the Government to supply them with food. That their statements were true we have the most explicit testimony of their agent, E. H. Danforth (1877):

> "The annuities and supplies furnished these Indians amount to not over one-half that required for their support. None of their annuity goods (and but part of their supplies) have reached this agency during the year. Goods purchased in August of last year have been lying in the railroad depot, one hundred and seventy-five miles away, since November last, a period of over nine months. Flour purchased the first of June is still at Rawlins. No clothing, blanket, tent, implement, or utensil of any kind has been issued at this agency for nearly two years; no flour, except once,—fifteen pounds to a family,—since last May. In addition to the usual proportion of their subsistence, which the Indians provide for themselves, they have had this great deficiency to make up, in whole or in part, some way."

To this testimony may be added the fact that, during the winter preceding the Ute outbreak, dispatches were sent to Omaha detailing the almost famishing condition of the Indians, and begging for aid. The Utes endured this state of affairs with singular patience for about two years. Mr. Meeker himself testifies to the generally peaceable character of the Indians under him: "These Ute Indians are peaceable, respecters of the right of property, and, with few exceptions, amiable and prepossessing in appearance. There are no quarrelsome outbreaks; no robberies; and, perhaps, not half a dozen who pilfer, and

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these are well known." This being the general character of these Indians, it seems to us a most reasonable proposition that if the Utes had been allowed to go into the nearest court and lay claim to the property, confessedly theirs, lying wasting at Rawlins, the outbreak would have been avoided, and the lives saved.

The other case, out of hundreds that might be cited, is that of the Poncas. Whatever sentimentality the "certain philanthropists" have been guilty of, it may be fairly claimed for them that in showing up the Ponca case a grievous system of wrongs has been so effectually disclosed that no inspector will ever again attempt the removal of a tribe of Indians against their will. The fruits of our unjust treatment of the Poncas were: The loss of nearly three hundred lives out of the seven hundred and seventeen Poncas who, in the spring of 1877, were living happily in their homes in Northern Nebraska and Southern Dakota; the loss of one manly Indian, shot down in cold blood, because of his natural desire to return to the home of his fathers; and the paying out of more than $200,000 from the funds of the Government in expenses of removal and in settlement. Now, let us suppose that when Colonel Kemble appeared with his soldiers upon the Ponca reservation, and insisted that the Indians should leave their homes, it had been the privilege of the chief of the tribe to sue out a writ of ejectment, and put the intruders off, where would have been the occasion for further trouble? Every one admits that the removal of the Poncas was sheer robbery—an unblushing outrage.

It is very important to observe that granting to Indians the protection of law does not necessarily imply making them citizens at once. Secretary Schurz seems to regard this as our immediate object, since he says: "The end to be reached is unquestionably the gradual absorption of the Indians in the great body of American citizenship. When that is accomplished, then, and then only, the legal status of the Indian will be clearly and finally fixed. But we should not indulge in the delusion that the problem can be solved by merely conferring upon them rights they do not yet appreciate and duties they do not yet understand." Then the writer proceeds to put upon paper a very subtle contradiction of himself. Upon page 8 of his article there are the following statements:

First. Indians ought not to have *full* citizenship at once.

Second. They should at once have that part of citizenship which would give them standing in the courts necessary for protection.

Third. As they should have full citizenship finally, the Government should prepare them for it.

Fourth. To do this the Government should have absolute power, "a sort of omnipotence on earth." For this purpose the Government must continue its policy of exercising care and guidance through commissioner and agents, as the Indians are "accustomed" to this.

It is easily seen that this "omnipotence upon earth" would effectually do away with the second statement made above, since there would then be no place for the enjoying of that part of citizenship which would give the Indians a standing in the court. And when we take this advocacy of "care and guidance" with the previous statement of the article that the Government "has frequently tried, in good faith, to protect them against encroachment, and almost as frequently it has failed," and "the Indians will be hunted down at whatever cost," the self-contradiction of the present policy of the Government is apparent.

We wish to relieve Secretary Schurz from his dilemma. We wish to show the Government a way out of its embarrassment. This is not impudent egotism on our part, for we point simply to the historical fact that law has always availed to settle and civilize society. As "care and guidance" have confessedly failed, why not associate with them the protection of law? We desire simply to hold Secretary Schurz to his statement: "They should certainly have that standing in the courts which is necessary for their protection." We are far from advocating that they should immediately be endowed with full citizenship. They may have a part of this great privilege without the whole. A child may enjoy the protection of the law, a woman may appeal to our courts, an Englishman traveling through our country may claim redress for injuries, although none of them could vote. The Indian would, therefore, not occupy an anomalous position if he should be admitted to the United States courts, though for the time, or until he possessed statutory qualification, debarred from the full rights of citizenship.

The argument we draw from the Canadian Government's management of Indians is mentioned by Mr. Schurz. He seeks to destroy its force by urging that in that country there is no strife for land. The white man

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there never imagines that he can despoil the Indians of their possessions and run no risk of punishment. There is the most peaceful contact between the two races. The Canadian Government is not troubled with the frequent Indian outbreaks that have constituted the painful history of our frontiers. This is the fact, and Secretary Schurz endeavors to explain it by declaring that the Canadian Government works "under conditions far less difficult" than those imposed on ours. "The number of their Indians is much less, and their unoccupied territory much larger." "Their agricultural settlements advance with far less rapidity than ours. There is far less opportunity for encroachment." But all this does not seem to us an adequate explanation of the lack of strife for land. There is certainly in Canada *some* "opportunity for encroachment," although far less than in this country, and the fact that this encroachment does not occur is significant. When the opportunity for encroachment in this country, in its early history, was "far less" than it is at present, white encroachment was the order of the day. Mr. Schurz himself testifies that, even in the most sparsely settled portions of our country, white men clamor for the Indian's land, for no other reason than that it belongs to the Indian. There must be some other explanation of the absence of strife for land in Canada than the mere fact that land is plenty. It seems to us that a far more reasonable explanation of this harmony between the races is the far greater legal privilege enjoyed by the Indian in Canada. There he is regarded as a *person* before the law. If he committs a crime he is held individually responsible for it: but here the entire tribe is made chargeable for the misdeeds of its members. In our daily papers, a year since, an account was published of how a half-dozen of the mounted police of Canada rode into Sitting Bull's camp demanding the surrender of certain Indian criminals, and they were delivered up to justice. If they had not been found, the policy of the Canadian Government would not have permitted that their innocent tribesmen should be held responsible. This seems to us the only reasonable policy. Fifth Avenue shall not be hung for the murders of the Five Points. But in the United States, the Indians have been punished by tribes for the misdeeds of individual offenders. The removal of Joseph's band, and the war against the entire tribe of Utes, are notable examples. That in Canada a half-dozen policemen secured the ends of justice and obviated an Indian war, while our army could not manage Sitting Bull on this side of the border, must be regarded as a striking illustration of the advantages to be gained by extending the jurisdiction of the courts over our Indian population.

Besides this treatment of the Indian as individually chargeable for his crimes, there is this other advantage in the policy of the Canadian Government: he enjoys far greater privileges of protection in the courts. This seems to us an adequate explanation of the absence of strife for land. There is no conflict between the white men and the Onondagas in New York State, simply because the Indians have the protection of the State laws. No white farmer of that State imagines that he can deprive the Indian of his farm or rob him of his stock. There is no strife for land—not because there is little "opportunity for encroachment," but because the Indians have the protection of law. If the United States law, which has sway in the Western States and Territories, might in like manner recognize the Indians as *persons*, the strife for land would soon cease. The extent of the Indian's possessions is not a factor in the question, because the Onondaga might be supposed to have a thousand acres and the white man but three, but the case would not be altered before the laws of New York.

In instituting this comparison between the policy of the Canadian Government and that of our own, the significant words of Sitting Bull and other Sioux to the Commission sent to treat with them are not without force. This Commission proceeded to Canada, and at Fort Walsh met with the Sioux. The answer of Sitting Bull to the representatives of General Terry was: "For sixty-four years you have kept me and my people, and treated us bad. What have we done that you should want us to stop? We have done nothing. It is all the people on your side that have started us to do all these depredations.* We could not go anywhere else, and so we took refuge in this country." Nine, a Yankton, said: "Sixty-four years ago you got our country, and you promised to take good care of us and keep us. You ran from one place to another, killing us and fighting us. You did not treat us right over there, so we came back over here. I come in to these people here, and they give me permission to trade with traders. That is the way I make my living." Even a squaw spoke to the Commission: "I came over to this country to raise my children and have a little peace." These Indians seem to have been well pleased with the difference between the Canadian policy and ours; and it is a fact that, when a threat was recently uttered to the Omahas that they would speedily be removed to the Indian Territory, certain of the more intelligent members of the tribe declared that they would take refuge under British law.

The larger proportion of Secretary Schurz's article, however, is taken up with a discussion of the three elements entering into his programme for the elevation of the Indians. With his wise and humane suggestions we have not the slightest quarrel. But we do most earnestly insist that, upon the testimony of the agents in every part

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*That Sitting Bull told the truth let General Sherman testify: "If the lands of the white man are taken, civilization justifies him in resisting the invader. Civilization does more than this: it brands him as a coward and a slave if he submits to the wrong. If the savage resists, civilization, with the Ten Commandments in one hand and the sword in the other, demands his immediate extermination." "Among civilized men, war usually springs from a sense of injustice. The best possible way, then, to avoid war is to do no act of injustice. When we learn that the same rule holds good with Indians, the chief difficulty is removed. But it is said our wars with them have been almost constant. Have we been uniformly unjust? We answer, unhesitatingly, yes." These words were also subscribed to by General Terry, the very man to whom Sitting Bull spoke in Canada.

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of our Indian country, it has been shown that the three things he advocates can only be secured, in any worthy degree, by the immediate extending of legal protection to those we desire to benefit. Let us have recourse to the candid words of those who know most, by personal contact, of Indian affairs, taking our quotations directly out of the official records.

The first element in Secretary Schurz's programme is "that they be taught to work by making work profitable and attractive to them." This is certainly a most wise and necessary suggestion. And it is encouraging to know that there is in the Indian, the prevalent opinion of white men notwithstanding, a natural desire and aptitude for labor. To show that this is the case, let us quote the testimonies of the men in charge of different agencies:

> "Many of them are now trying to cultivate patches of land along the little streams adjacent to the agency. Some of them have used their hands for shovels and hoes, and have shown them to me, worn and bleeding."—*James Irwin, Agent, Red Cloud, Neb.*, 1877. . . . . "The Yanktons, now, are very ambitious to raise wheat, and have been breaking much land this summer, for next year's crop. Besides, they are cutting a very large amount of grass, to supply their stock with hay the coming winter, exhibiting, in this way, more than ever, providence and thrift."—*J. W. Douglas, Yankton Agency, Dakota*, 1878. . . . . "In passing through the reservation, it looks like a settlement of well-to-do frontier farmers."—*James McLaughlin, Agent, Sioux, Dakota*, 1878. . . . . "Those Indians located on small tracts of land are usually considerate of their farming interests. Some are even models of industry."—*C. G. Belknap, Jule River Agency, Cal.*, 1878. . . . . "They have exemplified their willingness to work, and during all their adversity have manifested a courage not more than equaled by the strongest-hearted white man in the land."—*James I. Patten, Shoshone and Bannock Agency*, 1877. . . . . "The Indians appear very much delighted, with having plenty of land to cultivate in future, and have shown a determination to work their farms this season to the best of their ability."—*W. T. Hughes, Standing Rock, Dakota*, 1877. . . . . "The entire work of this agency is performed by Indians and half-castes."—*J. G. Gasmann, Yankton, Sioux*, 1877. . . . . "The Indians of the agency are now living upon their farms, and cultivating their lands, and following the avocation of farmers, much the same as white farmers, on a small scale, the average number of acres cultivated by a single Indian or family being from twenty-five to fifty acres, while quite a number of them cultivate as high as fifty to one hundred acres."—*T. B. Sinnot, Grand Ronde Agency, Oregon*, 1878. . . . . "With much pleasure and pride I was enabled, last year, to speak of a marked increase in the spirit of thrift, as shown in efforts put forth by the Oneidas, in enlarged farms and more careful attention to their crops than in previous years. This year the increase is still more noticeable, and their improvement in this respect is worthy of much commendation, and great cause of rejoicing among the friends of the Indians; and while they keenly feel the injustice done them by the inaction of the Government in not providing for the allotments of their lands and granting them citizenship, which they often and loudly call for, they have industriously sown their seed, and are now reaping a bountiful harvest as a result of their labor."— *J. C. Bridgman, Green Bay Agency, Wis.*, 1878.

This being the uniform testimony of the Indian agents, the question arises: Wherein lies the necessity of recommending that this labor be made profitable and attractive to them? What circumstances are there in the case rendering their work unprofitable and unattractive? They seem to have ordinary industry; why may they not reap the benefits which naturally result from toil and the real enjoyment that comes with it? Let us see if the agents throw any light on this subject.

J. W. Douglas, Yankton Agency, Dakota, 1878, says:

> "Contrary to the popular impression, I believe that the Indian will work patiently and continuously, if the fruits of his labor are secured to him."

To the same effect are the words of Isaiah Lightner, Santee Agency, Nebraska, 1878:

> "They have broken four hundred and sixty acres of new land during the past year, and are taking an increased interest in their farm work. This has been brought about by the hope that Congress will pass an act allowing them to take homesteads on these lands that they are improving."

From these testimonies we are led to infer that there is some subtle difficulty in the way, so that the Indians have no assurance that they shall be allowed to enjoy the benefits of their toil. They seem to be haunted with the apprehension that, although they plant vineyards, another race shall eat of the fruits thereof. Surely their past history has not tended to remove this apprehension. In the past their toil has been decidely unprofitable and unattractive, owing to the absence of protection by law. Who could be "taught to work" when he knows, by the history of a hundred years, that the products of his labor will

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be appropriated by his enemies? The Poncas, for example, had several hundred acres under cultivation, but their rejoicing in their labor received a sudden check on their removal by force to the Indian Territory. And when Secretary Schurz, writing of their attempt to bring their case into court, declared, in a published deliverance, "Such a suit cannot be brought at all"; and "The bringing of the Ponca case into the courts is impossible"; and that such a philanthropic desire as protecting the Indians by law is "unattainable," who can blame the Poncas for regarding their toil of years as unprofitable and unattractive? To remove these negative prefixes to the Secretary's chosen adjectives, it is simply necessary to endow the Indians with the protection of law. That this is almost a self-evident proposition, let the agents testify. When the question was asked by the Government, "What are the impediments to the progress of Indians in self-support?" the agents unanimously replied: "Failure of Government to fulfill its promises in regard to land; frequent removals; *need of law;* unsettled state of the Indian question; fear of removal."* How could a race of people, under these discouragements, be expected to advance? How can the case be remedied save by supplying the defect? President Seelye, of Amherst, when speaking of this very subject, declared: "Our great trouble has been that we have sought to exact justice from the Indian while exhibiting no justice to him." The same careful student says, in another place: "The Government of the United States, which has often plighted its faith to the Indian, and has broken it as often, and, while punishing him for his crimes, has given him no status in the courts except as a criminal, has been sadly derelict in its duty toward him, and has reaped the whirlwind only because it has sown the wind."

General George Crook, an authority upon all matters of Indian policy, says, in a letter published Oct. 16, 1879, in the New York "Tribune":

> "When the Indian's horses and cattle are big enough to be of service, they are driven off in herds by white renegades: when his wheat and corn and vegetables are almost ready for the market, his reservation is changed; and sometimes, as in the case of the Poncas, he is compelled to abandon everything. Were we to treat some of our foreign immigrants in such a manner, it would not take long to turn them into prowling vagabonds, living by robbery and assassination."

Is there need of further evidence that the want of law is the secret of this difficulty in the matter of labor? We find it in the reports of the Indian Commissioners. Thus, the report for the year 1877 recommends "a code of laws for Indian reservations, and appliances for dispensing justice, neither of which at present have any existence." It goes on to say that "there is no act of Congress which deals with the punishment of crimes against person or property (within the meaning of the common law as distinguished from statutory crimes against the United States) committed by or against Indians within the boundaries of an Indian reservation."

The report of Bishop Hare, who has seen much of the practical working of Indian affairs, in a residence of many years upon the frontiers, is of great value:

> "Wish well to the Indians as we may, and do for them what we will, the efforts of civil agents, teachers, and missionaries are like the struggles of drowning men weighted with lead as long as, by the absence of law, Indian society is left without a base."

And to his testimony may be added the words of two agents, situated in widely distant parts of our country, as they speak of the one thing which discourages Indian labor:

> "They are not legal tenants; they cannot make legal contracts, or collect their wages by a suit at law."—*J. E. Colburn, Agent, San Bernardino,* 1877. . . . . "I believe it to be of the utmost importance that Congress at once extend over Indians the jurisdiction of United States courts. Indians should be given to understand that they cannot commit crime and go unpunished; and, on the other hand, that they will be effectually protected by the Government in life, liberty, and property." —*H. F. Livingston, Agent, Dakota,* 1877.

But let us not form any hasty conclusion. Let us hear what this man from New Mexico has to say:

> "It is not the fault of these Indians that they are not, today, self-supporting. They have been left by the paternal Government without a home, and compelled to become wanderers, by being driven from place to place, when they have attempted to locate and cultivate the soil. They have, through me, been for almost four years begging for a home—a place where they could farm and have schools for their children. It has thus far been denied them."—*S. A. Russell, Abiquin Agency, New Mexico,* 1878.

How singular that, under such circumstances, toil should be unattractive to them! But let us hear further testimony:

> "I am satisfied that some of the complaints originate in the desire of certain parties to create a sentiment unfavorable to the Indian, and precipitate a trouble which may be made the occasion of depriving the Indians of some of their rights."—*E. H. Danforth, Agent Utes,* 1877. . . . "If these Indians ever go on the war-path, it will be from encroachment on their reservation."—*Geo. W. Frost, Crow Agency, Montana,* 1878. . . . "A failure on the part of the Government to keep faith with the Indians is the cause of most of our troubles with them."—*J. L. Burchard, Agent, Round Valley, Cal.,* 1877.

The following example is perhaps not the less forcible from the circumstance that the writer expresses himself in a sarcastic vein:

> "From the best information I have been able to gather on the subject, I incline to the belief that the natural resources of the reservation are totally inadequate to the support of the tribe; in which opinion I am sustained by all intelligent persons who are conversant with its features. Now, the Navajo would not exchange his desert home for the most favored spot that could be selected elsewhere; and if this reservation is found to be too limited for his necessities, why not give him more desert? Cannot our Government afford to be a little magnanimous, and give to a peaceable and industrious tribe of Indians a few more square miles of barren sands? But I suppose it would be worse than folly to ask more territory for any tribe, however deserving, from a Government that does not secure to the Indian the peaceable possession of lands already guaranteed to him by solemn treaty stipulation."— *John C. Pyle, Navajo Agency, Arizona,* 1878.

* Report Interior Department, 1878, p. 675.

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All these examples are adduced to show that the making of labor attractive to the Indian can only be secured by extending to him the protection of law, by which his life, his possessions, his permanent residence in a particular locality, shall be assured to him.

So long as the Indians are given to understand that they are but temporary residents on the lands they have hoped to possess permanently, who can expect labor to be "attractive" to them? And so long as white depredation goes on unchecked by legal protection, toil can surely never be "profitable." Let us see the manner in which, under the "care and guidance of the Government," the efforts of the Indians have failed to remunerate them in the past:

> "Large trespasses have been committed, from year to year, upon those lands, to which the attention of the proper officers has been called; but still the work of robbery and destruction goes on unchecked."—*Geo. W. Lee, Mackinaw Agency, Michigan,* 1878. . . . . "The Indians are much discouraged by these raids, and seem to think too little effort has been made to recover their property."—*P. B. Hunt, Kiowa and Comanche Agency,* 1878. . . . . "The white settlers alluded to in my first annual report still remain on the reservation, being located on their several claims, increasing their stock and improvements, and, of course, still further encroaching on the Indians' rights."—*James I. Patten, Shoshone Agency, Wyoming,* 1878. . . . . "The cutting of cordwood on this reservation by white men, to fill Government contracts and supply steam-boats, has provoked a very bad feeling among our Indians."—*W. T. Hughes, Agent Standing Rock, Dakota,* 1877. . . . . "Depredations by horse-thieves have been frequent and grievous. Many have lost their entire stock."—*A. C. Williams, Agent Wichitas,* 1877.

Does it not seem that the very first thing to be done in order to carry out Secretary Schurz's humane proposition in regard to Indian labor is to remove the premium placed upon the spoliation of the red men by denying them an appeal to our courts? And this necessity becomes still more apparent when we consider how, in the changeable policies of successive Congresses, the rights of our wards are apt to be sadly ignored. Let us have an example or two of this:

> "These people also claim to have been overreached in a more recent act of Congress (passed in 1870), wherein provision was made for the disposition of their entire diminished reserve in Kansas. This law gives (without consideration to the owners) to the State of Kansas every sixteenth and thirty-sixth section of land for school purposes. This grant amounts to nearly four hundred thousand acres. The Indians are not disposed to question the right of the general Government to extend educational aid to the newly settled States of the West, but they do question the propriety of such magnificent donations made by a great Government to a wealthy State, at the exclusive expense of a weak, dependent tribe of Indians, themselves the wards of said Government."—*Cyrus Beede, Agent Osages,* 1877. . . . . "The most damaging effects have heretofore resulted from broken promises made by the Government and its officials, causing the greater part of the troubles with the Sioux since the treaty of 1868. It is true the Government has spent large sums in feeding them, but it has driven them, contrary to treaty promises, from place to place, each time taking more of their territory, until nothing is left them but the 'bad lands.' The military has taken an immense number of arms and horses from them, and promised to return their value in cows."—*James Irwin, Red Cloud Agency, Dakota,* 1878.

There is no more reason, under proper legal protection, for such things to occur to the Indians than there is that Maine or Ohio should be robbed of half its rightful territory by the caprice or blundering of the general Government. A very patent case, in which this is shown, is described as follows:

> "It was hoped by selling one hundred and twenty thousand acres of the reservation, as provided by a bill enacted for the purpose in 1876, that sufficient would have been realized from the sale before this time to place the tribe on a comfortable footing, financially, and to pay for many needed improvements. But, as is often the case, where the property of Indians is at stake, through a lameness in the law, or a misinterpretation of its provisions, the Indians have realized nothing from the intended sale. While, at the same time, the larger part of the land is occupied by squatters, towns have been planted, villages are growing up, and the mart of trade has been opened upon it, yet but few, comparatively, have signified any intention of paying for the lands they occupy, and those who would be purchasers are debarred by such occupancy."—*J. W. Griest, Otoe Agency, Neb.,* 1878.

There is no need of multiplying examples. The fact is that the Indians are discouraged in any attempts toward self-support by the lack of legal protection. Iron Eye, an educated Omaha, made quite a sum of money by merchandising. This he loaned to white men, taking their notes. But he has been defrauded of every cent, because he is an Indian and cannot bring suit to recover his money. This is a very simple case, involving only a few hundred dollars, but the same lack of personality before the law has kept thousands of Indians from recovering their rightful possessions, and has tended to make labor exceedingly unattractive to them. With reason does Mr. Rinehart, agent at Malheur, Oregon, ask: "Is it sensible to expect the Indian to feel like a man when he is forced to continue the life of a beast, placed under a galling restraint, and allowed a ration so scanty as to put him in

"What possible benefit would there be in endowing the Indians with lands in severalty, if their standing before the law remains unchanged?"

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the position of a half-fed pauper?" And speaking of this very subject, Hon. Horatio Seymour, a wise and thoughtful student of Indian affairs, has declared as the secret of the whole difficulty: "Every human being born upon our continent, or who comes here from any quarter of the world, whether savage or civilized, can go to our courts for protection—except those who belong to the tribes who once owned this country. The cannibal from the islands of the Pacific, the worst criminals from Europe, Asia, or Africa, can appeal to the law and courts for their rights of person and property—all, save our native Indians, who, above all, should be protected from wrong."

The second point in Secretary Schurz's programme of reform is "that they be educated, especially the youth of both sexes." In this respect, great progress has already been made, and the "certain philanthropists" to whom Secretary Schurz appealed for aid in this work, through the columns of a New York paper, would heartily render any assistance in their power. But we find that education among the Indians has been seriously hampered by the same legal disability that has, as we have seen, interfered with their progress in love of labor. The history of every enslaved race has shown that there can be very little incentive to education and progress so long as the student's personality and manhood are ignored. And, although the number of applicants for school privileges is larger now than ever before, the Indians are not an exception to the rule that an oppressed man naturally resists the ways and custom of his oppressor. An educated Indian is no nearer legal protection than the most ignorant of his tribe—his superior culture only serves the purpose of rendering his deprivations more galling.

Let us see if the official records bear us out in this conclusion. Mr. S. W. Marston, Muskogee agent, Indian Territory, declares that his great difficulty in leading Indians to higher attainments in education and refinement is as follows: "If a white man sees fit, in his depravity, to infringe upon the rights of an Indian, or to violate his pledge or contract with him, he has no redress whatever, as there is no tribunal to which he can appeal for justice." Speaking of the discouragements he has had in a life-long effort to aid the Indians by education, Bishop Whipple says: "The Indian is the only human being within our territory who has no individual right in the soil. He is not amenable to or protected by law. The *man* has no standing before the law. A Chinese or a Hottentot would have, but the native American is left pitiably helpless." In reply to inquiries sent out to all agents to ascertain to what the illiteracy of the Indians is due, thirty-three responsed "lack of facilities," six "aversion," and nine "both"; while in every case where the details of this "lack" and this "aversion" are given, the cause is seen to be want of legal status. By the treaty of 1876, the Sioux were promised teachers and the protection of the law. Two years later the Sioux Commission reported as follows:

> "We would call attention to the urgent necessity for fulfilling the obligations of the treaty of 1876, which guarantees to these Indians the protection of the United States laws."

As showing the obstacles the pride of the Indians must get over in order to desire the white man's education, take the following:

> "The Chippewas have grievances that would make white men tear their hair and howl, from one end of the country to the other; but they prefer to submit quietly and peaceably to the powers that be, praying without ceasing, hoping continually that the good men of the Great Father's household will yet hear and answer their petitions by the necessary legislation. If the Government would pay these poor people half what is justly their due under former treaties, they could, and would, live comfortably for many seasons to come."—*J. L. Mahan, La Pointe Agency, Wis.*, 1878.

And one of the most excellent of our many recent Indian Commissioners, when entreating that the obstacles in the red man's pathway may be taken away, cries out: "My predecessors have frequently called attention to the startling fact that we have within our midst two hundred and seventy-five thousand people for whom we provide no law."

Consequently, it seems almost self-evident to "certain philanthropists" that, in the practical management of Indian education, the granting the Indian legal status is of prime and immediate necessity. Of all education, we think Bishop Whipple's words are as true as of Christian education: "With justice, personal rights, and the protection of the law, the Gospel will do for our red brothers what it has done for other races: give to them homes, manhood, and freedom." And we indorse fully the words of President Seelye: "The jurisdiction of the courts and the presence of the Government should be felt in the Indian Territory, and upon every Indian reservation, as powerfully as in the most enlightened portions of the land. The court should go as early as the school, if not before, and is itself an educational agency of incalculable importance." And we leave the point with this quotation from the report of a most cautious agent:

> "The failure of the Department to carry out the provisions of Section 3 of the existing treaty with these Indians has, doubtless, had much to do with the successive failures of teachers and agents in the matter of education."—*John C. Pyle, Navajo Agency, Arizona*, 1878.

The third provision of Secretary Schurz's programme is "that they be individualized in the possession of property by settlement in severalty, with a fee-simple title." This may be thought a solution of the whole problem; but how it can prevent, or even diminish, the spoliation of the Indians, without previously extending the privileges of the law to them, we are unable to see.

To render our philanthropic notions on this subject at all reasonable, we must briefly survey the Indian's individual attitude before the law. It may betoken arrogance to attempt such survey, since Secretary Schurz, in his article, says: "I do not intend to go here into a disquisition on the legal status of the Indian, on which elaborate treatises have been written, and learned judicial decisions rendered, without raising it above dispute." But the charge of arrogance falls when it is understood that the whole matter can be settled by quoting Secretary

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Schurz's own words. He has not long been of the opinion that the legal status of the Indian, so far as property is concerned, presents any peculiar difficulties. When the case of the Poncas was under discussion, he declared most positively that no Indian has the right to appear in court, claiming his own. "Such a suit cannot be brought at all"; "the taking of the Ponca case into the courts is impossible of accomplishment"; any hope in that direction is "unattainable." There seems to be no hesitation in these deliverances. The legal status of the Indian seems to have been involved in mystery only quite recently—in fact, since certain unofficial philanthropists have presumed to pry into it. Mr. Schurz, in these former declarations, continues to say: "The Supreme Court has repeatedly decided" on his side of the question; "the decisions are clear and uniform on this point"; among lawyers he consulted, "not a single one" held a view different from his; the Indian's disability "has been decided by the Supreme Court so clearly and comprehensively that further testing seems utterly futile." When there was danger of this troublesome case getting into the courts, in spite of all these decisions, the Commissioner of Indian Affairs, acting, if he did his duty, under the supervision of Secretary Schurz, caused the following Associated Press dispatch to be published:

> "The Commissioner of Indian Affairs says, with reference to the case, that the United States District-Attorney has been directed to appear and endeavor to have the writ dismissed. He takes the ground that under the law, and according to repeated decisions of the Supreme Court, the Indians stand as wards of the Government, and are under the same relations to the Government as minors to their parents or guardians; that the law forbids them to make contracts, and such contracts, if made by them, are void. No attorney has the right or can appear for an Indian, unless authorized to do so by the Indian Department."

There is no mystery here in reference to the legal status of the Indian.

What possible benefit would there be in endowing the Indians with lands in severalty, if their standing before the law remains unchanged? Big Snake or Two Crow could as easily be put off a quarter section as the tribe off a reservation. The individual Indian could be robbed of his ponies as well as a tribe. The clamor of neighboring white men would not be any more likely to cease, and the excuse offered for them by Secretary Schurz might still be in force, viz.: the Indian might still have more land than John Smith, and so might be regarded as standing in the latter's way in his glorious progress toward civilization. In fact, the condition of affairs would be worse. Opportunity for individual stealing would be increased, the armies of the United States might not even *pretend* to be available for the help of single Indians, and the courts would be as thoroughly barred against them as now.

It is only fair to Mr. Schurz to say that in one of his earlier deliverances he has presented a solution of the difficulty. Doubtless he would be glad to have the matter pass by in silence, for it is certainly the most astounding slip of judgment that ever a great man was guilty of. In defending his chosen plan of granting land in severalty to Indians, he says that when this is done "the Indian will stand in the eye of the law just like any other owner of property in his individual right, and, as a matter of course, will have the same standing in court." This is an amazing *non sequitur*. How the dividing up of a tract of land will bestow upon the possessors legal rights which they now have not, would be difficult to show. How the passing by Congress of a bill that does not extend legal protection to the Indians can overturn all the decisions of the Supreme Court on this subject, Mr. Schurz did not think it worth while to state. If the Indian were not directly, and as an individual, disqualified by express statute for appeal to the courts, the above plan might be available. But so long as the Judiciary Act of 1789 remains in force, so long as the courts cannot regard the Indian as endowed with civil rights, and cannot clothe him with them, the accepting a deed for one hundred and sixty acres of land will not give the Indian a white man's place before the law. In fact, Mr. Schurz in his article seems to have abandoned the opinion of the substantial unity of these two things, for, in his programme for the practical management of Indian affairs, he includes the one, but omits the other as being of no present utility.

That law must go before the granting of land in severalty is shown by this—that Indians have now certain individual possessions which are not in the slightest degree safer from the greed of white men. Ponies, clothing, cord-wood, belong to them personally, yet if they are stolen there is no legal redress. Jacob Vore, of Nemaha Agency, Nebraska, having seen many evidences of this, recommended, during every year of his employment by the Government, "enactment of laws protecting Indians in their individual rights, with respect to person and property." It is, hence, difficult to see how the placing of land upon the same footing with clothing and cord-wood will necessarily make its possession secure.

For all these reasons, it seems to us that the programme of Mr. Schurz can only be secured by declaring that the Indian is a *person* before the law as the first and all important thing. When his possessions are secure, his labor will be both profitable and attractive; when he feels himself a man, he will desire his own and his children's education; when he can be protected by law, the granting of land to him in severalty will be something more than a pretentious form. Five years ago the Sioux Commission made this report to Congress:

> "A great crisis has arisen in Indian affairs. The wrongs of the Indians are admitted by all. Thousands of the best men in the land feel keenly the nation's shame. They look to Congress for redress. Unless immediate and appropriate legislation is made for the protection and government of the Indians, they must perish, and our country bear forever the disgrace, and suffer the retribution of its wrong-doing. Our children's children will tell the sad story in hushed tones, and wonder how their fathers dared to trample on justice and trifle with God."

If this were done, Indians all over the country would soon lay aside their tomahawks, as Standing Bear did when he was released by Judge Dundy, and with him would say: "We have found a better way." □

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Jefferson Davis

1886

Davis, of course, headed the Confederacy. He had served earlier as Secretary of War, under whose jurisdiction fell the Commission of Indian Affairs, and as Senator from Mississippi.

The Indian Policy of the United States

When Europeans began the colonization of the American Continent, simultaneously began a conflict between the white and the red man.

First, the *auri sacra fames* led the Spaniards to Central and South America. Whole districts of country were depopulated, and cities destroyed, in the unequal contest between educated and well-armed men and ignorant and comparatively defenseless savages. It was claimed by the States of Europe that America was without an owner, and that the title inured to the first discoverer—albeit there could not be discovery of a country occupied by a large number of human beings, though they might not be known to Europeans or have a place in their history. If other and satisfactory plea could be found for entry into the country, what could excuse the wanton destruction of the life and property of the inhabitants?

It has of late been common to arraign the United States as the chief of sinners in this regard, and, though their General Government has much to answer for and to be ashamed of, I hold that the charge is not just.

It was the common practice of Europeans, claiming a title by discovery, to take possession in the name of the potentate they represented. Their controversies were merely between themselves, as claimants, and the proof of ownership was as to whose flag was first raised over a particular district. The Government of the United States may, with satisfaction, point to the fact that they have presented the example of a distinct recognition of the possessory right of the Indians, and their rule has been only to extinguish that right by a formal treaty, containing valuable considerations for the relinquishment of possession. How well those treaties have been kept, in spirit and in letter, or, rather, how often the spirit has been violated in adhering to the letter, it is not my purpose on this occasion to discuss.

In passing, however, it may be well to remark that in the council between the United States Commissioners and the Indians, oftentimes more is spoken than written; that the Indians have remembered whatever was impressively spoken, and that the Government has necessarily executed only the terms of the treaty as it was written and ratified. From this would naturally flow controversies. It may be that the commissioners, to assure the Indians of the perpetuity of the possessions they would have in their new home, spoke more forcibly than they wrote, without intending to deceive, and from modesty forbore to write the figurative language adopted as best suited to the Indians. Such is believed to have been the case in the treaty with the Cherokees. The more it is insisted that the text of a treaty is the sole bond and guide, the more it devolves upon the executory party to fulfill its provisions according to their original meaning and intendment. In this connection, and it is believed with frequent misapprehension, has been uttered an arraignment of the General Government for having failed to fulfill its promises and perform its full duty as guardians to its Indian wards.

Would that it were possible to refute the accusation more satisfactorily than by producing evidence of hostility, marked by savage atrocity, on the part of marauding Indians against peaceful pioneer settlers. These may extenuate the retaliations of the frontiersmen, but can offer no excuse for violation, by the General Government, of plighted faith to an Indian tribe which had entered into treaty obligations. It is too late to plead that the Indian tribes were not independent nations, and could not be competent parties to a treaty with the United States. They were negotiated with in all due form, and the result recorded, signed, submitted by the United States President and ratified by the Senate, as would have been the case had the other party been one of the States of Europe. No justification for an abrogation of the treaty could be found in individual acts of aggression on either side, and could least plausibly be pleaded by the more intelligent party. Between independent nations a treaty might be swallowed up in war, and all its provisions lost, but such consequence could not properly follow the enforcement of obedience on a refractory ward.

Where treaties were fairly made and faithfully executed, but subsequently found to have been injudicious, so much so as to defeat the purpose for which they were made, then, and in that case, their modification or substitution, if voluntarily and understandingly performed, would be both just and proper as between the contracting parties; but the motive of the guardian must not be tainted by a selfish greed to get the land which the ward held by possessory right.

Many years since, the course of the United States toward the Indians was lucidly treated by the Hon. Lewis Cass, in an article published in THE NORTH AMERICAN REVIEW. His qualification for the discussion of the question was of the highest order. He had long lived in close contact with Indians, and for many years been officially

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connected with the tribes in the North-west. As my memory serves, for the article referred to has not been found, he showed, from the records, that the Government of the United States had been more just in its treatment of the Indians within its borders than any European nation which had held relations with them. If, in late years, acts of injustice and cruelty have stained the character of the Government, it is believed to have been the fruit, to no small extent, of the policy early adopted, and which has obstructed the desired progress of the Indians toward civilization and the useful arts.

In the brief notice which it is proposed to take of the subject, attempt will be made to show that failure has resulted rather from the general policy adopted than from the special means employed. As an ethical question, the right of the agricultural man to enter upon the hunting-fields of the Indians may be derived from the postulate that the Creator made the earth for man, and therefore it should be used in the manner which would best promote the welfare of mankind; so, as few acres would suffice to support the agricultural man, whereas it would require as many square miles to support the hunting man, a just economy in the use of the legacy would require that the hunter should yield the needful portion to the agriculturist. If this theory, such as it is, be objected to, it at least may be claimed to be better foundation than a title acquired by massacre and conquest. It is, however, subject to the criticism that it tends toward modern agrarianism, and would be little acceptable if applied to the forests and preserves which exclude large tracts of territory from cultivation by civilized men in densely-populated countries.

The United States, recognizing a right of possession in the Indian tribes, early defined, by metes and boundaries, territories sufficient for their hunter condition. Subsequently the United States acquired portions, or the whole, of that territory, for settlement by white men. This, as a rule, was done by a formal treaty, in which the consent of the Indians was given for considerations specifically set forth. In this regard the United States may challenge comparison with Great Britain, Spain, or France, all of these having exercised sovereignty, taken whatever they chose, and given for it to what extent they pleased.

Perhaps the Indians understood that masterful treatment best, for the result has been that each of those nations has lived more amicably with them than have the people of the United States; yet no other Government has contributed so largely to schools and farming instruction among the Indians, or contracted for and paid, in like manner, annuities to tribes who have been removed from the land of which they originally held possession. Such have been the means, and with all deference the view is presented that the result has been disappointing because the policy was inherently defective.

The first step toward this civilization of the hunter man must be to bring him to the agricultural condition. In order to do this it will be necessary that he should be in proximity to the agriculturist, and that hunting should cease to be his mode of obtaining subsistence. Taught by example and by want, he would learn, as the father of our race did, that he must eat his bread in the sweat of his brow. By acquiring a fixed habitation, no longer changing from summer to winter, to follow, as the season indicated, the precarious occupation of hunting and trapping, there would be gradual progress toward the habits of civilized man.

Domestic animals and implements, aiding in this labor, would add to his care and his comforts, giving him ability to support himself, as well as constraining him to remain at home. In that case, the highest ambition would not be to take game, fish, and fowl; the realization of need for other acquirements would open his mind to receive the teachings of the schools. To secure such conditions as these, it is assumed that the tribes should have been left segregated on land to which they were attached by tradition, and which was sufficiently fertile to compensate them for farm labor. Examples might be cited to prove the beneficial effect of conditions like those suggested, and perhaps a few of them may be hereafter presented. The policy of the Government has been the reverse of this. It was to remove the Indians from the east to the west side of the Mississippi River, and to set apart a large territory to be occupied by Indians only.

By the rigid enforcement of the Indian Intercourse Act, and the isolated condition in which it was proposed to place the Indians, it was claimed that the corrupting influence of bad white men would be avoided. As far back as 1833, the commission, at the head of which was the venerable Governor Stokes of North Carolina, was sent to Fort Gibson, to invite a convention of the tribes, and they were advised to form a Congress of Deputies and enter into treaties of amity, by which it was hoped to destroy their ancient feuds, and to make of them a red brotherhood. This was found to be impracticable, as any one who had lived much among Indians would have foreseen; but if it had been possible, these numerous tribes, with their strong instinct for war, consolidated, as they would have been, against the white men, would have sealed up their territory more closely than the Intercourse Act had ever done. It has been said that such a union was impracticable; the traditional feuds between many of the tribes, the lofty scorn which the wild Indian felt and showed for the more civilized, rendered it less feasible to establish general friendship among the red men, than to bind the several tribes to peace and good offices toward the whites. A Missouri chief, in the council at Fort Gibson, scornfully referred to the more civilized Indians, dressed like white men, as looking like a band of "spotted horses."

The removal of Indians who had acquired more or less the habits of farmers, and whose country had become denuded of game, to a wide and fresh field, was to check the tide of improvement by giving opportunity to renew the hunting instinct of their race.

To say that intercourse with the white men would, in its first effect, be demoralizing to the Indians, is but to announce that history might be expected to repeat itself.

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". . . The Indians have remembered whatever was impressively spoken, and . . . the Government has necessarily executed only the terms of the treaty as it was written and ratified."

It is through that crucible that the savage needs must pass to the civilized man. The Choctaws, who, in my recollection, possessed a large part of the State of Mississippi, at first so suffered from such intercourse; their men and women wandered about in the white settlements, selling game, little articles of handiwork, picking cotton in the autumn and winter, and reaping the evil consequences which usually attend the association of untutored vagrants with cultivated people; but in the course of years this tribe became of necessity agricultural, built comfortable, though humble, residences, reared herds and green crops, had schoolhouses, made laws, and maintained a constabulary force which excluded the introduction of whisky into their borders, and prevented any of the tribe who left their territory from returning again to reside in it. As their skill in farming would have progressed, and hunting have ceased to be even a partial occupation, their desire for large territory would have diminished, and, for such compensation as approaching settlement would have justified, they might voluntarily have yielded such amount of land as, in their own view, was not immediately or prospectively required by their tribes.

The opposite policy was followed, their possessory right was extinguished by treaty, and they were given a larger amount of perhaps equally good land on the west side of the Mississippi River, on what is now known as the Indian Territory. The Indians had advanced so far in the useful arts, in general education, and were of such exemplary morality that they have maintained their condition as a civilized tribe. How much higher they would have grown if left in their former position is a speculative question on which persons may differ. To take another example, with a less-gratifying result, I will cite the case of the Abbenaki, or Oneida Indians, a small band living in Western New York, and inhabiting so narrowly restricted a territory that they had quite lost the arts of the hunter and become a farming people. They had houses, farms, mills, and were self-sustaining, but they were removed to Wisconsin. If the object was their benefit, the idea must have been that, as their skins were red, they ought to be hunters. When, however, they were pushed out into the wilderness, they were as helpless and unfit for their new condition as if they had been turned loose in the streets of London: for neither extreme in the condition of man were they prepared. The consequence was that many of the young men sought employment as boatmen or in other like occupations, and many of the girls went out as servants. It has been long since I personally knew anything of this band, but from recent information I fear their fate has been a hard one. Removed from the east to the west side of the Mississippi, the supposition was that they had passed beyond the danger of encroachment by white settlement. Much of the land was good, and many of the tribes went diligently to work and made for themselves homes and farms adequate to their comfort and support. One of the principal inducements held out to them, for the exchange of their old homes for land in the West, was that they would there be free from intrusion, and full guarantees were given for the perpetuity of their possession of the land to which they were removed. But, beyond anticipation, the current of migration flowed westward. The productive farms on which the Indians were settled were tempting to the greed of the pioneers, and soon the demand arose that they should, like poor Jo, "move on." It is true that their new homes had not the tender associations of the old ones, but they were secured to them by the promises of the Government, and in them they had incorporated their labor. So far as I am informed, there was no case of forcible eviction, but much aggression, and influences brought to bear on the question of removal which it would not be pleasant to consider or possible exactly to expose. Where were they to go? To the arid region of the Far West, where drought and insects would often render their labor wholly unproductive? Surely the equitable or humane conclusion would be that it were better the white man, with his larger means and higher intelligence, should have been assigned to the region where artificial appliances were necessary to secure the irrigation which would render the land productive, and science would be available to combat the ravages of destructive insects.

Why should not the white settlement go beyond that of the Indians, not only for the considerations just stated, but also to present a barrier between the semi-civilized Indian and the nomadic bands inhabiting the region beyond them? This is but another phase of the policy previously presented, of separating, instead of consolidating, the Indian tribes, and leading them toward the goal of civilization by propinquity with the white man. Some utilitarian may answer that the higher productiveness of the land, if surrendered to the white men, would suffice to support the Indians in districts where the cli-

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"A Missouri chief . . . scornfully referred to the more civilized Indians, dressed like white men, as looking like a band of 'spotted horses.'"

mate and soil would not enable them to support themselves. Justice and every higher demand of philanthropy rejects a plan which would doom the race to sloth and beggary, steadily to sink lower and lower in morals and manhood, until they reached inevitable extinction. Some of the nations, particularly those called the Southern Indians, from greater cultivation and self-reliance, have not been the subjects of removal from their homes northwest of Arkansas; but an attempt has been made, which I can but believe would be very detrimental to them, if not in the end destructive of their possessory right to the land they received in exchange for their former homes in Georgia, Tennessee, Alabama, and Mississippi. It was to divide the land in severalty, which, involving the power of individual alienation, would make the territory an El Dorado for the sharpers, and render the Indian Intercourse Act "a dead letter." To stimulate individual exertion for the improvement of a separate property in home, the land might be subdivided, with tenure descending in the direct line, but without the power to alienate, so that the land should remain forever the property of the tribal nation.

Wherever the General Government yields to the pressure of people who demand that the land of the Indians should be opened for settlement, by removing them from a place which they had so far reduced to cultivation as to make themselves self-sustaining, the mask of a purpose thereby to benefit the Indians should be pulled off for very shame at its hypocrisy. The reports of commissioners and agents, glossed over as they have been, sufficiently show the cruel injustice and hardship inflicted by the policy of repeated removals.

If to this wrong be added the reproach of violated pledges, which gave assurance of permanent abode, one can hardly be called reckless who urges a change of policy and a new line of conduct hereafter. The avowed object being, as guardian, to protect the Indians and advance them to a higher civilization, the means to be employed to that end must vary with the character and condition of the tribe or nation, as no universal rule would be applicable to all.

The first step, as it has been previously stated, must be to make them agriculturists, to give them a fixed habitation, to preserve order, and to prevent conflict with their white neighbors. The more advanced among them, as stated in the case of the Choctaws, will be able to maintain their own constabulary force, to legislate, and execute laws for themselves. For those less advanced, order might be preserved, vagrancy checked, and intruders repelled, by a system of officers selected from the tribe, and appointed and paid by the General Government, who should wear some insignia of authority to command the respect, as well of their own people as of white men who should attempt to intrude upon their territory. General Cass, referred to above, at the council of Butte des Mors, held with Indians as wild as any we have, appointed certain chiefs for such purposes as above indicated, and his rare sagacity was exhibited by the fact that they long retained their authority and exercised it with most beneficial effect. To show to what extent judicious and humane treatment may check hostility and secure confidence, I will cite the example of the Winnebagoes. In 1828-9 they were a powerful, warlike people, possessing the country along the Wisconsin and Fox rivers, and were more than semi-hostile to the whites. They had summer villages where they grew corn and some other vegetables, which at the approach of winter they cached (buried) and departed for their hunting-ground, returning in the spring to exhume their hidden crop for summer subsistence.

Major, subsequently General, D. E. Twiggs, was sent with a battalion to establish a military post at the portage of the Wisconsin and Fox rivers. The Indians were then so hostile that they would hold no intercourse with the troops, but would ride up on their ponies, with blackened faces, their sign of hostility, and from a distance look at the soldiers, who were building a stockade for shelter and defense. Twiggs, possessing a rare amount of practical sense, and knowledge of human character, gave no indication to the Indians of any anxiety at their proceedings, but with all practicable dispatch hastened his preparations for defense. As time wore on, the Indians gradually acquired confidence; they came to the fort to trade and to get provisions, an annuity having been granted to them; John H. Kinsey, who had much knowledge of Indians, and whose moral character was above reproach, was appointed agent, and at appointed times the Indians were assembled, and to each was paid the amount severally due. All was fairly and regularly done, and there was neither dissatisfaction nor complaint then heard.

The Indian Intercourse Act was rigidly enforced: not a licensed trader was permitted to introduce whisky or high wines for traffic with the Indians. For instance, a

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fur-trader came up the Fox River to cross the portage and ascend the Wisconsin River. In his boat he had concealed several barrels of whisky. In obedience to orders I inspected his boat, found the barrels of whisky, and had the heads knocked out and the contents emptied into the river. The officiating soldiers saw with surprise such waste of an article which, in their barracks, was valued at a dollar per gill.

When, in the summer of 1832, the garrison at Fort Winnebago was ordered to Rock Island to join in the first Black Hawk campaign, the Winnebagoes were not only peaceable, but so friendly that a single man could ride with safety through their country and get food for himself and horse at any of their villages. Their area of cultivation had increased, the profits of hunting and trapping had diminished, and they were steadily progressing toward the condition which affords the best prospect of civilization—transition from the hunting to the agricultural state.

On the Pacific slope the Indians usually called Pueblos are very different in their instincts, and perhaps in their origin, from those east of the mountains. Under the kind ministration of the Catholic priests, they were collected in groups and taught to cultivate the land. Peaceably inclined, and not indisposed to labor, the problem for solution with them was comparatively easy. If the preservation and training of Indians to such usefulness and happiness as accords with their endowment be the end in view, success would seem certainly attainable.

So far as massacres of the Indians by the white men have occurred, it is worthy of notice that these have not been by the soldiers of the regular army, with, so far as I can recall, one shameful exception. It is to be remembered that Indian outrages committed upon the families of frontiersmen have usually been the provoking cause, and would naturally constitute a reason, for the distinction pointed out above. This distinction calls to notice the anomalous organization, especially as regards the wild tribes, in placing the conduct of Indian affairs under the Interior Department, instead of the War Department, on which it devolves to keep troops in the Indian territory, for the suppression of disorder. Thus it results that, during a state of peace, the Interior Department supplies the Indians with clothing, arms, and ammunition, and, when they take the war-path, the War Department sends troops against them: so the Government supports the campaign by supplying both the belligerents.

The diversity of characteristics and endowments, as well as the inequality of acquirement, would render it impracticable to apply a uniform rule of conduct toward the various Indian tribes. How far the character of the Indians has been modified by intercourse with white men, it will be left for others to inquire. Our earliest history shows that the Indians were confiding and friendly-disposed. One trait on which, as a foundation, much might be predicated, was fidelity in the performance of contracts; *e.g.*, the fur-traders generally advanced, at the beginning of the trapping season, an outfit, to be paid for by the product of the winter's hunt, and the general testimony of the traders was that, in the event of sufficient success, full payment was always made; and that, while an unpaid balance remained, the Indian would not engage his peltries to another trader. This sense of adherence to plighted faith might well produce the aversion of the wild Indian to the man who spoke with "a forked tongue." Having different standards of morality, the conscience of one race would severely condemn acts which the other would approve. To this difference of standard may be referred much of the Indians' conduct which is most abhorrent to the white man. Truth lies between the extreme of the romancer, who ascribes to the Indian all the graces and cardinal virtues, and that of the outraged pioneer, who denies to the Indian all claim to humanity.

When avowed hostility exists between the two, the judgment of the pioneer has much to sustain it; but while there has been amity and mutual good offices, the fidelity of the Indian has stood the hardest tests—such as the tribal desire to take vengeance on the innocent white man for some outrage another white man had committed.

Without elucidation, it will be seen that a common standard of virtue and vice must be recognized as the means to preserve a mutual good understanding between the races. In order to this, there must be like circumstances and mode of living. The policy herein suggested is not now susceptible of the full application which might have been made at an earlier time, but it is not too late to stop the wheel of the Juggernaut.

Though knight-errantry was crucified by the ridicule of Cervantes, the English-speaking people have kept some relics sacred—the love of fair play, to take the part of the weak, to throw their shields over the defenseless. An opportunity is offered to the Government and people of the United States to repair past injustice, and, as far as possible, to fulfill their assumed obligations as guardians to their Indian wards. □

". . . To divide the land in severalty . . . would make the territory an El Dorado for sharpers, and render the Indian Intercourse Act 'a dead letter.'"

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Gail Hamilton

1888

Gail Hamilton is the pseudonym of Mary Abigail Dodge, a New England author chiefly concerned with education of the young—though she is also known as an opponent of women's suffrage.

The Lion's Side of the Lion Question

The Indian question in our politics is not a question of choice. It is inexorable and pressing. For our errors and our crimes in treating it we pay in money, we pay in blood. The Indian race and the Caucasian race are face to face. The better elements of both races meet and mingle to mutual advantage. The worst elements of both races meet and cheat, with the inevitable result that the blood of the bravest and best is shed in atonement. If only the vile and ruffianly whites, the drunken and savage red men were concerned, they might be left to themselves, but we have just barely escaped an Indian war precipitated by ignorant, greedy, and unscrupulous whites, and we have not escaped the loss of the thousands of dollars which their recklessness has cost.

There is but one solution to the Indian question: it is a strife between barbarism and civilization, and barbarism must go down. The world has been facing upward from the beginning. But how barbarism shall go down is a question on which we have much to say. Melting, dissolving, exhaling in the sun of righteousness; respringing in gentleness and vanishing, if vanish it must, before a stronger race, insensibly, painlessly, and respringing, if spring it may, as the life of flower and fruit returns in fresh vigor to the blood and brain of man—so barbarism will disappear, if we are truly civilized. If we, too, are barbaric, it goes down in blood and wrath and unutterable woe.

The Indians know this as well as we. Politics is with them a matter of life and death. The question is not whether the Indian race be inferior or equal to the Caucasian race. That is interesting, but irrelevant. It is not whether the Indian will die out before the white man. They have been in contact for 200 years, and neither is as yet moribund. It is not whether the Indian is civilizable. He is already civilized in large sections. It is not an issue of economy. That war is the most extravagant and justice the most economical mode of settling the question has been a thousand times demonstrated.

The Indian question now is greatly a question of right and wrong. Primarily, it is the preservation of our own honor; of the plighted faith of the Government to a weak and helpless race. The policy concerns the best measures to effect the Indian's assimilation with the least friction.

In considering whether we will stand with firmness in the right as God gives us to see the right, or whether we will lapse into the wrong on a listless plea that we cannot help it, we should remember that the history of the world thus far has taught that the power outside ourselves makes for righteousness. If we commit ourselves to righteousness, we commit ourselves, therefore, to the heaviest battalions. (In the short run, honesty is the best principle; but it sometimes takes the long run to show that honesty is the best policy.)

We may say, and believe, that the only good Indian is the dead Indian, but murder of the Indians is bad morals, and the cost of our Indian wars in blood and treasure ought to have showed us long before this that it is bad administration. It is not mere sentimentalism regarding the Indians; it is self preservation regarding ourselves. The low wash, the sediment and refuse of civilization sweeps to slay; the high and purifying wave must follow to cleanse and restore.

I cannot join in the cry of dishonor and disgrace to the Government for its treatment of the Indians. It seems to me that great efforts have been made to protect and to sustain them, and not without success. That there has also been failure and disaster cannot be denied, and is to be expected where the problems are so complicated, the conditions so varying, the instruments so human. (Dealing out rations to roving, able-bodied Indians is not without an element of absurdity, and failure of supply through the dishonesty of agents has been fruitful of blood and woe.) The distribution of lands in severalty, involving the destruction of the reservation system, is a not unnatural resource for the remedy of the evils of pupilage.

Much of the effort to bring about this policy arises not from greed, but from benevolence—a conviction that it is the one final method of bringing the Indian out of the individualism of barbarism to the organization of citizenship and civilization.

It seems the hardest thing in the world to get at the truth about the Indian, though he is in the very heart and centre of our country.

We recall the brilliant raid upon our sympathies made not long ago by Mr. Tibbles, Bright Eyes, and their Poncas. Mr. Osborne, the Indian agent, professes that he visited the Poncas with the most animated desire to better their condition and the most buoyant hope founded on previous representations. He bestirred himself early and late till he had satisfied their claims. To enable them to

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cultivate their farms, he purchased for them one hundred and twenty-four of the best horses to be found. In three days these horses began to be reported as strayed, or stolen, or stabbed, or torn by wire fence, stake-pin, or lariat; and, finally, he had to summon his force to disperse the whole tribe gathered on a sunny hillside for a horse-race, and, in spite of his best watchfulness, some twenty of the young braves stole off by night on horseback, and made the best of their way back to their old home in Dakota! In spite of a previous government report that they were energetic, cleanly, that they ate family meals around neatly spread tables in comfortable homes, he protests, on his word and honor, that he found all of them lazy, and four-fifths of them filthy; that they do not eat in family circles nor upon neatly spread tables, nor upon tables at all; that they have from one to three wives, eat dog as a luxury, and choke ponies to death at the graves of their dead. Such a report as this is rather discouraging to the sentimental side of duty. I do not know from actual observation either the past or present condition of the Ponca Indians. What I have seen is Indian men and women clad in a blanket, or in rags, or in both —indolent, listless, reckless paupers of the persistent type; men and women pattering beside a slowly-moving train, climbing up the steps and railings of engine and coaches to steal a ride, scarcely seeming to be human beings. And I have seen Indians as erect, elegant, dignified, intelligent, accomplished as any members of the white race. It cannot be impossible to do what has been done.

In this country it should be a truism to say that whatever is done for the Indian should be done by the Indian, by his assistance if not wholly through his agency. He understands his race as another race cannot. If Indian affairs were, as far as possible, in the hands of Indians; if the Indian Department were, as far as practicable, composed of Indians, we should have fewer Indian massacres, Indian uprisings, Indian scares. The civilized Indian, backed by the whole power of the United States Government, would be a mighty force, a potent object lesson to the wild Indian. Proof of this is found in the beneficial effects of the employment of Indians by Government as Reservation police officers, United States Indian police, and Indian scouts. I have the greatest mistrust as to the existence of Indian uprisings. The Indians are perfectly aware of the might of the United States. There is no reasonable doubt they want peace. They fear war more than we do. I believe that these Indian troubles are very largely fomented by the greed of the white race in its lower circles—deliberately designing trouble in order to possess themselves of Naboth's vineyard. When Poor Buffalo informs Bishop Whipple that he is known by almost every Western tribe, and that he is now no more a warrior, but is trying to keep the peace among all his tribes, he is to be believed and he ought to be used as a medium of peace and good will. One such "uprising" as that among the Utes, quickly as it was seen through and put to shame, cost the Government more than would the salary of a commission for twenty years. The Creeks, the Choctaws, the Five Nations, have so strong an element of civilization that they could be brought to bear upon the wilder tribes with the greatest economy. Poor Buffalo knew Colorow long before we ever heard of him. Peace seems now to be restored, but is any sufficient restitution made to the Indians who have suffered? Is any punishment meted out to the miscreants who, in the name of law and under color of law, degraded the law of the land in the eyes of the Utes? Is anything done to deter other miscreants in other places from involving the Government in similar shame and loss? It ought to be understood that any person who brings the word of the Government into disrepute among the Indians is doing the greatest possible harm, is helping to shed blood. The lives of United States soldiers are as sacred as those of any other United States citizen, and to imperil their lives that lawless citizens may get lawless possession of the fair Indian lands is murder in the first degree.

There seems to be a general consensus—that being now the fashionable word—of public opinion that Colorow is a good deal of a rascal. But that is the very reason why the unscrupulous whites tampered with him. He is a weak point in the Indian Territory. A strong, intelligent, and upright Indian they would not attempt to use as an opening wedge. They could make Colorow "uprise" with comparatively little provocation—and then follow outrages, the army, bloodshed, Eastern indignation against the barbarian, and a fresh resolution against the Indian reservation. *Q. E. D.*

The Five Nations in the Indian Territory have adopted the arts and the sciences, the manners and the religion of civilization. The first considerable town which the traveler approaches from the East is Vinita, and it is externally undistinguishable from any Missouri town. From the railroad station it is wide and shabby and dusty —but the vicinity of a railroad station is seldom attractive as a residence to Caucasians. Vinita has broad streets, frame, brick, and stone houses and stores. It has all the machinery of a Caucasian town—mayor and council, town clerk and treasurer, taxes and municipal regulations, and courts of law, four churches, a high-school, and a large public school-house—till a United States citizen set fire to it. The Indian residents subscribe for the daily papers and the magazines. The Cherokee government is on the general model of the United States Government. The treaties with the United States are the supreme law of the land and there is a written constitution.

The principal chief is the President or Governor of the Cherokee Nation. At present it is Chief Bushyhead. He has four secretaries, educated at Princeton. There is a treasurer who is under a $75,000 bond and who has also a secretary and an auditor. There is a National Council and an Executive Council. The latter is the Cabinet and the former the Congress. It is composed of Senate and House of Representatives, and is controlled by the usual Parliamentary rules. The language employed is both English and Cherokee. A majority speak English, nearly all understand it, and an interpreter serves those who do not.

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Senators and Representatives are elected by the people —the legal voting age being eighteen. Political campaigns were represented to me as being conducted with the greatest interest, with district managers and lodge captains, and all the machinery of organization; with speakers and barbecues and campaign slanders in the highest style of civilization.

Their judicial system is furnished with district courts, circuit courts, supreme court, juries and grand juries, and all the enginery of appeal and delay.

At the capital, Tahlequah, the government building is of brick, stone-capped, with cupola and committee rooms, court rooms, and abundant offices. The nation supports printing-office, newspapers, a prison, seminaries, orphan asylums, blind and indigent asylums, male seminaries, and female seminaries.

It is a nation within a nation. It is a civilized nation within a civilized nation. Seventy years ago the Five Nations wore the blanket. When a people has thus organized itself, it is idle to discuss whether it is capable of becoming civilized. It is civilized. The presence of a degraded, beastly class has no more bearing than the presence of such a class on the lower border lines of white civilization. An interesting, but not a pertinent question, is whether civilization is not concomitant with amalgamation. It is true that the Cherokee Legislature is three-fourths full blood, but many of the half-breed Indians themselves seemed to rest their hope for the future on the union of the two races. A full blood Indian wife of a high half-breed official, declared that if it were possible she would at once go back and be a blanket Indian. To similar declarations many half-breeds added that they would, if they could, drain every drop of white blood from their veins; but I am convinced that this is partly from a proud determination that no one shall suspect them of being ashamed of their Indian blood. It is certain that there is a great, I think a universal admiration, for the ability of the white blood, even side by side with the distrust and suspicion born of long experience with border ruffians.

But they cannot stay blanket Indians whether they will or not. Civilization is too strong for them. It is not ours or theirs to decide. The power outside ourselves presses us all on slowly, but irresistibly, Indian and Caucasian alike. The Indian will either be civilized into an American citizen or buried in an unmarked grave. If it is the latter, it will not be a lonely grave, nor of unshared shame.

If it is through amalgamation that this power works out the problem, what has that to do with justice towards the Indian race; with wisdom regarding the American policy? If Caucasian blood is of a finer strain than Indian blood, so much the more should it be honorable in dealing with the inferior.

The "burning question" in Indian politics at present is the land-in-severalty question. Some of the best of our statesmen and citizens are urgent advocates of this policy. It will not, perhaps, be entirely insignificant to say that I myself counted it the only proper policy until I was shown the Indian side of it by the Indians themselves. All the best, the most advanced Indians that I saw—as well as those less remote from the wilderness—view the new policy with the gravest apprehension. They look forward to attaining citizenship in the future. They hope and aim one day to become a State, or a group of States, inherent and equal parts of the nation, but premature citizenship precipitated upon an unprepared community seems to them not only disastrous, but fatal.

Their present tenure is peculiar, but is guaranteed by solemn treaty—as sacred a compact as a government can make. Under this compact the Indian may own, occupy, cultivate, bequeath all such land in the Indian territories as he chooses to fence in and cultivate, but he may not sell it, nor own it as an absentee, or bequeath it to an absentee. It goes in direct line to his children, but only while they occupy it. If he leaves it, if he ceases to live on it, or utilize it, it reverts to the community. While he is on it his right is inalienable. If he abandons it all his ownership lapses. No one can take up land in the Indian Territory unless he is Indian or married to an Indian. The white husband of an Indian wife or the white wife of an Indian husband enters into all the privileges of a full blooded Indian. Otherwise the white man is forbidden. If an Indian so much as employs a white man he must pay a fee to the Government of five dollars per annum. Many of these Indians see just as clearly as the white man the prospective value of these lands, and they are fencing in on all sides with increasing energy. That of itself is a mark of civilization. If it be said that they are aggrandizing themselves, what then? Who have a better right to become land magnates than the original land owners? Such criticism is but finding fault with the Indian for doing what he has always been blamed for not doing. He has been considered hopelessly savage for not utilizing the land, and now is he to be reproached for using it too extensively? It seems to me that the most splendid triumph of the great Republic would be to see every blanket Indian of them all evolute into a country squire, with lands and flocks and much cattle.

If our Government justly recognizes the right even of the barbarian landholder, and in return for his birth-right in the soil gives him life-rations, how much more should it recognize that birth-right of the civilized Indian and grant him fee simple of all the land he will improve. The barbarism of the Indian, the civilization of the Caucasian, constitutes our only original right to the soil. It was because he did not occupy, that we had a right to occupy. If, now, he is willing to occupy, there is added to his original right the social right, and to his original right our Government had previously given the legal right.

Practically, it will be seen, therefore, that all the Indians who are in any degree fit for land ownership already own the land. Those who do not see clearly enough the value of property in land to make the small effort requisite to ownership, would not be benefited by having ownership thrust upon them, and the nation would be destroyed. Many of them would fall a prey to the scheming whites who would pounce upon them. They

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would sell their lands for whiskey, and would then be turned adrift without resource to be the pest and terror of communities. From becoming an outcast to becoming an outlaw would be but a single step.

To make the title inalienable for a period of years will not prevent giving bond for title and present occupancy. Law can hardly deny the right of contract to the new citizen, and if it did it would be easily evaded and amended by the appeal to Congress of the very people its terms were intended to protect. Where titles have been made inalienable for a period of years, the ignorant allottees have been ingeniously aroused, by interested speculators, to indignation at the limitation of their right, and urged to petition Congress, declaring their ability to manage their own affairs, and asking removal of this injurious (?) restriction.

With the Indian title in the nation or community the individual is comparatively safe. He cannot dispose of an acre, and hence is not subjected to temptation. His nation educates him, gives him all the land he cares to cultivate, and if he is not sufficiently educated to realize the value of land, he is yet safe from vagabondage, and may make an humble home, secure against ejectment or the vagrancy that would be the lot of his ignorant helplessness in the States. If he is sufficiently educated, his nation gives him ample opportunity to use the land, gratify his ambition, and stimulate his weaker brother by his example.

In the Cherokee Nation, there is said to be no Indian pauper, except where physically disabled, and certainly there is no need to be, for while monopoly is controlled, every man willing to work can make a decent living.

The Indians plead, and it seems to me justly, the sacredness of the pledged and solemn faith of our Government. It is continually urged by them that the United States promised them, as among the inducements to remove to this territory, that the land should be theirs as long as grass grows and water runs. President Jackson, in an address to the Creeks, March 23d, 1829, assured them: "There your white brothers will not trouble you; they will have no claim to the land, and you can live upon it, you and all your children, as long as the grass grows or the water runs, in peace and plenty."

Trusting in his words, and in the faith of treaties, the Indians left their cultivated lands at immense sacrifice, both of material advantage and of sentiment. They bought and paid for their new lands with promise of fee simple title by treaty, and a practical fee simple they received in a patent from Van Buren. In good faith they have settled and constructed a thorough system of laws. All they ask is that Congress keep its hands off and keep off the hands of lawless greed, and let them enjoy their property and the treaty guarantees and work out the problem of statehood by the laws of growth common to all men passing from savage to civil life.

The new policy of lands in severalty seems to them a violation of treaty. It takes wholly away from the *Indian Nation* the land allotted to it by treaty forever. It destroys all national and patriotic feeling and ambition. For the influence of the civilized Indian upon the wild Indian, it substitutes the influence of the most unscrupulous of the whites, whose one aim is to possess themselves of the land which the barbaric Indian too little values, and which he is only too ready to barter.

The chief of the Seminoles declares that "the advantages of these lands for grazing or for agricultural purposes have long been sufficiently known to their rightful owners [the Indian nation, not individual Indians], who have never complained or questioned their title guaranteed to them under the most solemn promises of the United States Government." He protests that the new division "changes the whole status of the Indian's title to his land;" that "the lands have simply become too valuable for the Indian to hold . . . and the Indian must starve to death upon them any way, whenever the Government ceases to furnish him with commissaries." He feels that "God alone can interpose in His wisdom to save them from the effects of this fatal policy, fraught with so much misery, suffering, and death."

Tah-bee-nanah-kah, chief of the Comanches, begs "to present this to our Great Father at Washington: We are opposed to the land-in-severalty bill that has been passed in Congress last year. Our great father at Washington told us to send our children to school; we have done all that, but, of course, the wild Indian children can't learn pretty fast; and besides the hardness of learning the ways of civilization, and of the white people, the children don't get the regular instruction. And so, by that reason, they cannot learn very fast. I, Tah-bee-nanah-kah, whenever our Great Father at Washington told us to send our children to school, I always going about telling the other Indians what the Great Father at Washington wanted to be done. But whenever I hear the dividing lands to us, I always dislike to hear it."

The Caddo Chief, Jake, narrates through an interpreter his experience: "I took the trip to Washington to protest before the Commissioner against the sectionalizing of the lands of my people. I told him my people were alarmed in consequence of the law enacted to divide our lands in severalty. I told the Commissioner that I had seen other Indians whose lands had been sectionalized and they said it was bad for them to have their lands divided, and as it was bad for them it must be bad for my people and other Indians, and it would bring misery and ruin upon my people. In former times and up to the present time, he and all his people had advised us and all the Indians to learn to labor and to gain education, and now when my people are just beginning to realize and accept the benefits of knowing how to work, you are attempting to change our customs and entail ruin on my people. When I spoke thus the Commissioner grew angry, and pointing his finger in my face said I was not telling him what was my own mind, but only what the white men who had inter-married had told me and what the half breed Indians told me and the educated Indians who had instructed me to go on there and talk as I did. But I told him I was telling him the truth and giving him the views of myself and my people."

Cho-near-kee, of the Wichitas, opposes the act, pro-

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tests against the allotment, without consent of the Indians, of "the last we have for a home for our women and children," and looks to the five civilized tribes to work for them.

So great is the feeling among them against this alienation of land from the nation, so jealous are they of their tenure, that a considerable portion of the time of their last International Council at Eufala was devoted not so much to discussing as to deprecating it. The existence of such a council is worthy of notice by those of us who think the only good Indian is a dead Indian. The Council is the natural offspring of that which was established or authorized by treaty of 1866, and let it always be remembered that the United States treaties are the supreme law, the constitution, the very basis of organized society in the Indian Territory. The Council is composed of delegates from the five civilized nations and all the wild tribes of the plains. As an instrument of civilization its importance cannot be over-estimated. Delegates from fourteen of the wild tribes were present at the last Council, and a Cherokee informed me that but for the unwarranted interference of the United States agent he believed that the deadly Apaches and many other tribes would have come. A Comanche chief who was present gave the recalcitrant side very frankly when he reported the opinion of Qui-ni-ah, another Comanche, who "said he got nothing to do with the Council, and said that he will not listen to any Indian, but will do the business by his own ways and will not listen to anybody's advice"—to which conclusion the fact may have lent firmness that "so many white people been cutting timbers in our country without our consent."

This Council prepared, and by unanimous consent adopted, a memorial to the President of the United States which, in its complete insight, its absolute helplessness, and its pathetic loyalty, seems to me worthy of remembrance.

"Whatever misgivings," say these representatives of a race that once held this land undisputed from sea to sea, "may have seemed to be justified in our minds by the actions of the Government of the United States, yet we are willing to assume that it is always its purpose in the treatment of the Indians to benefit them as rapidly as possible by throwing around them those conditions which will enable them effectively to adapt themselves to the requirements of civilized life in the least possible time.

"Your memorialists disclaim any intention to antagonize or obstruct the operation of any just and effective policy that may be adopted by the United States for the general advancement of the Indians, but, on the contrary, will do whatever they can to contribute to its effectiveness.

"For attempting to present this view of our brothers to the President we will be pardoned when it is remembered that we are alike opposed to its provisions [land-in-severalty bill]; regarding them merely as a departure from the policy under which we have prospered, to one which will, in the near future, engulf all of the nations and tribes of the Territory in one common catastrophe, to the enrichment of land monopolists, before whom even your own citizens, with all the civilized machinery of justice, seem powerless to secure their rights. We deprecate any measure or law, which will, in our judgment, lead to placing any of the Indians of the Territory as party to so unequal a contest. Like other people, the Indian needs at least the germ of political identity, some governmental organization of his own, however crude, to which his pride and manhood may cling and claim allegiance, in order to make true progress in the affairs of life. This peculiarity in the Indian character is elsewhere called patriotism, and the wise and patient fashioning and guidance of which alone will successfully solve the question of civilization. Preclude him from this and he has little else to live for.

"Your memorialists, especially of the five tribes, have undergone sad experience in transactions with the United States of an identical nature in 1830 and 1832, and shudder at the thought of the misfortunes that must surely come to the tribes of the farther West if the provisions of this law are enforced. The tribes earnestly desire and ask that the President stay the operation of the law until they shall be in a condition to be benefited by it; and the five civilized tribes also join in an earnest and respectful request that the President do not put in force the land-in-severalty act upon a powerless and protesting people until they may at least have the opportunity of testing the validity of their rights before the judiciary of the United States."

The President of the Council addressed it at length on the importance, the necessity, as well as the advantages of education, drew comparison between the five civilized tribes and their Western brethren, called attention to the difference in their dress and their mode of living, and urged the wild tribes to teach their children to read, to farm, to wear the civilized dress, to establish schools and churches. He believed the land-in-severalty act would be enforced, but he implored the Indians in such case to keep the land allotted them and never to sell it. He expressed sympathy with them in their trouble, but bade them be men and face it by education.

Yet, with all the wisdom, the moderation, and the submission exhibited in this Council, it was denounced in a high political office under our Government as an attempt of the Five Tribes "to make trouble where they have no interest and no business to interfere."

It would seem difficult for political darkness to be deeper. Even should their position be wrong, their deepest interest is in their less civilized brethren, and their noblest business is to assist, advise, and sustain them. Some of these wild tribes had traveled two hundred miles and more to meet the civilized tribes in council. One of their number, Towaccanie Jim, affirms that "all these tribes are united. . . . We are one nation, and stand solid together now." Is it wise to discourage organization, combination, the influence of the more advanced upon the less advanced?

If the Indians were making no efforts to civilize themselves we might have some pretext for breaking our

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treaties in the impossibility of keeping them. But the Indians are painfully striving for improvement. Undoubtedly hosts of them will fall by the way, will die in the blanket. Many more will die in the full communion of civilized vice. But a remnant will remain. If we keep faith with them, the remnant may be a compelling majority, and presently be incorporated as a constituent part of the Great Republic. At any cost, we should keep faith.

The earlier breaches of treaties were caused by conflict of State and Federal authority. Georgia passed her laws over Cherokees—laws of the most arbitrary and cruel force; laws imprisoning missionaries for the crime of preaching the word of God to the Cherokees, putting up their lands at public raffle, and virtually compelling removal in violation of treaty rights as guaranteed by the Federal Government. The Federal Government temporized on the question of "State rights" to nullify Federal treaty, and forced a treaty on the Cherokees, who bitterly resisted the removal and who lost one-quarter to one-third of her people by death because of this removal. One young Indian told me that he still held his grandfather's claim against the United States for the loss of his home at this time. He had a mill, various log-houses, orchards, cultivated fields. Its value of over $2,000 remains unpaid. The treaties all provide that the Western homes of the Indians shall never have the laws of State or Territory extended over them.

The act of Georgia in its unjust assertion of State right over these people was bitterly atoned and the error in the principle corrected at heavy cost.

To say, under the shadow of their churches and schools and courts, that the Indians are hopelessly welded to barbarism, is an absurdity. To look at their worst and to judge thence of the whole, is as unreasonable as it would be to look into the purlieus of a great New York and judge thence that Americans are incapable of civilization. The white man, adventurous, restless, eager, looks over the acres, fair and wide, but the mere remnant of a continent in past possession, now the last award, refuge, and resource of the Indians, and greedily prates of the impracticability of reserving this to barbarism; but of many remarks which might be made, one is that, barbarous as it is, it is hardly more barbarous than many tracts in the surrounding States.

With all its barbarism, it is very certain that the Indians are doing more to civilize their tribes than are the white Christians who cheat and steal and foment Indian disturbances, and raise Indian wars, under the horror and dread of which public sentiment may be inflamed against them to the violation of our treaties, the occupation of their land, the destruction of their autonomy, and the gratification of their greedy foes.

The low, ignorant, unprincipled white is the most deadly foe of the Indian. The educated Christian white must be untiring for his rescue and redemption. The whiskey brought him by civilization is a never-failing fountain of evil. Shall not the springs of beneficence be equally unfailing? Greed is indefatigable in debasing him. Shall Christianity ever be tired of elevating him?

But let us not forget that the pressing question is not a question of benefiting the Indian. It is a question of keeping our own faith. We may repeat the dishonor of the past or we may be stanch and defend the plighted word of the Government. It is not easy, but I think it must be possible. It cannot be that this country is too feeble to repress the unruly, yet not wholly ungenerous spirits of its own adventurous children. If it were once thoroughly established that this Government is no more to be deceived by the cry of Indian uprising; if it were known that every injustice and robbery would be thoroughly investigated and punished, would it not have a repressive effect? If, in the wisdom of our wise men, a way could be provided by which a body of people who are subject and willingly subject to the criminal jurisdiction of the United States should no longer be totally without civil redress when robbed of their property, would it not tend to keep back covetous hands? The timber, coal, and other natural properties may be freely stolen from *Indian* reservations, if the Indian, and not the Government, holds title, and there is no penalty under United States laws. The statute protects United States lands but not *Indian* lands, and United States citizens freely steal from the agencies, and coolly remark there is no law to punish it.

The Indian may be robbed of his property, his lands, his invested funds by Government, and is without resource, except perennial begging at the doors of Congress. The hearing by special act of Congress before the Court of Claims of a few cases has shown *millions* of dollars due the Indians and for generations unpaid.

"Is there anything you would like to have me say for you?" I asked a young Indian.

"Yes," he answered, quickly; "I would like to try and have a law passed in Congress by which an Indian, or an Indian nation, may sue in the courts of the United States and there defend their rights from organized or unorganized robbery."

The answer may have been foolish in the instrumentality employed, but it was an answer very far off from the tomahawk, the scalping knife, and the blanket.

Let the American citizen, crowding the Indian to the wall, lay to heart the eternal truth of the tyrant's experience—

"I had
Soberly laid my last plan
To extinguish the man,
Till I looked from my labor content
To enjoy the event.
When sudden, how think ye, the end?
Did I say 'without friend'?
Say rather from marge to blue marge
The whole sky grew his targe,
With the sun's self for visible boss,
While an arm ran across
Which the earth heaved beneath, like a breast,
Where the wretch was safe prest!
Do you see just my vengeance complete,
The man sprang to his feet,
Stood erect, caught at God's skirts, and prayed!
—Lo, *I* was afraid!"

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Nelson A. Miles

1891

Twelve years after the essay which begins on page 40, General Miles' attitude toward the Indian has stiffened, and he implies that it is civilian mismanagement which creates frontier problems.

The Future of the Indian Question

I have been requested to give an explanation of the threatened Indian outbreak, in view of the popular belief that the Indians had been so far subjugated and reduced in numbers that an uprising was no longer considered serious. An account is also desired of the present situation, and I am asked the extent to which the Indians are a source of danger, even though the present troubles are averted, who is to blame for the outbreak, and how peace can be assured for the future.

The questions are quite comprehensive. In reply I would say that it is a misfortune that the people of many sections are so little acquainted with the inhabitants, character, resources, and necessities of this country, which constitutes one great nation. Circumstances have given the people of the West better opportunities of observing it in its entirety.

Again, it is somewhat surprising to notice how little interest the people of the great Mississippi valley take in the local affairs of the Pacific or Atlantic States. Frequently the press and public men have announced that we have no necessity for a navy to protect our commerce; that we have no need of modern coast-defences and improved artillery to protect our twenty-seven ports of entry and five billions of property scattered along the Pacific, Atlantic, and Gulf coasts; that as far as foreign complications and foreign wars are concerned we have suddenly reached "the millennium," when arbitration (which is a most excellent measure to rely upon when both parties are afraid) is to determine all questions of international controversy. On the other hand, the people living in the densely-populated regions of the Atlantic States have formed the impression, in which perhaps the hope or desire is father to the thought, that after two hundred years of Indian warfare we have reached the end of all serious controversy between Indians and the white race.

The fact that we have had a few years of peace is no guarantee that it will continue. Within the last sixteen years we have had no less than nine Indian wars, and now we find ourselves threatened with a more serious and general uprising than any that has occurred during the whole history of Indian warfare. The confederation of the "Six Nations" by the prophet, the campaigns of Tecumseh, and the conspiracy of Pontiac did not extend over so vast an area of country or embrace so many different tribes, many of whom have been hostile to each other, as the present conspiracy; and while the conditions are somewhat similar to those which have preceded other Indian confederations, conspiracies, and wars, this one has unusual features and causes.

The Indians are practically a doomed race, and none realize it better than themselves. They have contended inch by inch for every foot of territory from the Atlantic to the Pacific. The strength, superior intelligence, and ingenuity of the white race in the construction of weapons of war, and their vast superiority in numbers, have not deterred the Indians from resisting the power of the whites and beginning hostilities, sometimes even with apparently little justification, cause, or hope of success; and there would be nothing remarkable in the history of such a warlike people if they made one desperate effort in the death-struggle of the race.

The subjugation of a race by their enemies cannot but create feelings of most intense hatred and animosity. Possibly if we should put ourselves in their place, we might comprehend their feelings. Suppose, for instance, that, instead of being a nation of vast wealth, population, prosperity, and happiness, our numbers were narrowed down to two hundred and fifty thousand souls, scattered in bands, villages, or settlements of from five hundred to twenty thousand people, and confined within the limits of comparatively small districts. Suppose this vast continent had been overrun by sixty millions of people from Africa, India, or China, claiming that their civilization, customs, and beliefs were older and better than ours, compelling us to adopt their habits, language, and religion, obliging us to wear the same style of raiment, cut our hair according to their fashion, live upon the same food, sing the same songs, worship the same Allahs, Vishnus, and Brahmas; and we realized that such a conquest and the presence of such a horde of enemies had become a withering blight and a destroying scourge to our race: what then would be our feelings towards such a people? In considering this question we may be able to realize something of the feelings of the Indians of today. They remember the romance of the freedom and independence they once enjoyed; the time when they could move from one pleasant valley to another; when they had all that an Indian desires, namely, plenty of food, comfortable lodges made of skins of the buffalo or elk, plenty of their kind of clothing; and when they were allowed to enjoy their customs, rites, and amusements, savage and brutal as they were.

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The first time the writer met Sitting Bull was under a flag of truce between the lines, when he had a thousand warriors behind him; and during the conversation I think he expressed in a few words the true sentiment of the Indian. He was what might be considered a devotional man, frequently offering a little prayer and saluting the Great Spirit. One remark of his is certainly significant. Raising his eyes toward heaven, he said: "God Almighty made me an Indian, and he did not make me an agency Indian, and I do not intend to be one." That remark was indorsed by huge grunts of the stalwart savages within hearing, and it is the sentiment of the non-treaty, disaffected Indians of every tribe in every section of the great West. They prefer to be Indians in their wild and independent life rather than to be confined to the limits of any agency.

While we have continued the policy of using the military force of the government against them with all severity, as soon as that is completed and the tribes are subjugated, they are suddenly turned over to civilians, some from the far-off Eastern States, to try various experiments and to carry out the theories that they have of civilization. Take, for instance, the Kiowas, Cheyennes, and Comanches of the Indian Territory. Their history has been a history of peace and war for many years. In 1874 they had a great convention or medicine-dance, which resulted in a general uprising, in which they became a terror to the whole southwest country. After committing many crimes and after many engagements with the troops, they were finally worn down and subjugated, and surrendered with scarcely any means of continuing hostilities. Most of the few remaining war ponies they had were sold; they gave up their pale and emaciated white captives, who in turn passed down the line of warriors and pointed out not less than seventy Comanches who had committed horrible atrocities during the eight months of hostility. These seventy warriors were sent to Florida for punishment, and the military control of the tribes was withdrawn. Within a few years the warriors were returned to the Indian Territory, and in nine years from that time the same Indians were rearmed and remounted, in better condition for war than before, and ripe for an outbreak. The commanding general of the army and the department commander were sent to the Indian Territory, and nearly one-fourth of the army was concentrated in that department to prevent a serious outbreak, endangering the peace of Kansas, Colorado, New Mexico, and Texas, by the same Indians who are now in a threatening condition.

Again, take the Sioux nation that committed the terrible massacre of '62 in Minnesota, in which it was authoritatively stated that one thousand lives were lost, and a very large military force was employed to bring them under control. Thirty of the principal leaders were tried and hanged, but yet that experience did not deter others of the same Indians from engaging in the subsequent wars of the Sioux nation. In 1867 the Sioux were again in a condition of hostility, and the Fetterman massacre occurred, the Indians being led by the same man (Red Cloud) who is said recently to have been instrumental in causing dissatisfaction among the different tribes. Treaties were made with them in 1869 but in 1876 they were again openly hostile, spreading terror over a vast section of country, embracing a portion of the two Dakotas, Montana, northern Nebraska, and a part of Wyoming. The massacre on the Little Big Horn followed in 1876, in which two hundred and sixty officers and soldiers under General Custer perished. After two seasons of campaigning against them by the United States troops, during the winter of 1875 and the summer of 1876, and the terribly severe winter campaign of 1876 and 1877, upwards of five thousand agreed to surrender, and nine of their principal men gave themselves as hostages that the tribes would surrender on the Yellowstone or at the different agencies; which they did with the exception of two bands under the leadership of Lame Deer and Sitting Bull. The former was killed in the following May, and the latter driven to Canada and kept north of the boundary for three years, until he and his followers finally surrendered between 1877 and 1881.

For four years from 1877 to 1881 they were under military control, and many of them were made self-sustaining. They were disarmed and dismounted, their war ponies were sold and the proceeds returned to them in domestic stock, and in a few years they had a large herd of cattle, and wagons and cultivated fields. In 1881 they were ordered to be sent down the Yellowstone and Missouri to the southern agencies, and although they implored the different officers to write or telegraph to the authorities in Washington to leave them where their crops were developing in the fields, they were loaded on five large steamboats and shipped down the river, and turned over to the Indian agent at Standing Rock Agency.

Many of these same Indians are now in a condition of threatening hostility. Within the short space of ten years we find the condition of the Cheyennes and Sioux Indians to be as follows: The fine herd of cattle belonging to the Cheyennes has disappeared. They claim that it has been partly taken by the whites, and that they were obliged to use the remainder for food. They claim that it was almost impossible for them to obtain food without committing depredations, and they stated in the presence of the commission recently visiting them that they were "compelled to eat their dogs in order to sustain life." The fact that they have not received sufficient food is admitted by the agents and the officers of the government who have had opportunities of knowing, and their condition is again as threatening as at any time when they have not been in hostility.

The Sioux Indians during that time were under the charge of civil agents, who have been frequently changed and often inexperienced. Many of the tribes have become rearmed and remounted, and have assumed a threatening attitude. They claim that the government has not fulfilled its treaties and has failed to make large enough appropriations for their support; they also claim that they have suffered for want of food, and the evidence of this is beyond question and sufficient to satisfy any unprejudiced, intelligent mind. The statements of the offi-

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cers, inspectors both of the military and the Interior Department, of agents, of missionaries and civilians familiar with their condition, leave no room for reasonable doubt that this is one of the principal causes of the present disturbance. While statements may be made as to the amount of money that has been expended by the government to feed the different tribes, and while there is no intention of questioning the honesty of all concerned, the manner of distributing those appropriations will furnish one reason for the deficit.

Another cause is the unfortunate failure of the crops in the plains country during the last two years. It has been almost impossible for the Indians to raise anything from the ground for self-support; in fact, white settlers have been very unfortunate and their losses have been serious and universal through a large section of that country. They have struggled on from year to year; occasionally they would raise good crops of corn, which they were compelled to sell for from fourteen to twenty cents per bushel, while in the season of drought their labor was almost entirely lost. So serious have been their misfortunes that many hundreds have left the country within the last few years, passing over the mountains to the Pacific slope or returning to the east banks of the Missouri and the Mississippi.

The Indian, however, cannot migrate from one part of the United States to another; neither can he obtain employment as readily as white people, either upon or beyond the Indian reservations. He must remain in comparative idleness and accept the results of the drought. This creates a feeling of discontent even among the loyal and the well-disposed, while there is quite a large element that is hostile and opposed to every process of civilization.

In this condition of affairs the Indians realize the inevitable, and as they see their numbers gradually diminishing, their strength and power gone, they pray to their God for some supernatural help to aid them in the restoration of their former independence, and for the destruction of their enemies. At this stage emissaries from a certain religious sect or people living on the western slope of the Rocky Mountains came among them announcing that the real messiah had appeared; and in order to convince themselves, delegations of Sioux, Cheyennes, and other tribes left their reservations a year ago last November, travelling through the Arapahoe and Shoshone reservations in Wyoming, and thence via the Union Pacific they passed into Utah, and were joined by others, Bannocks and Pi-Utes, until they came to a large conclave of whites and Indians in Nevada. They were there told that those present were all believers in this new religion, that they were all an oppressed people, that the whites and Indians there were all the same, and that the messiah had returned to them.

So well was this deception played by men masquerading and personating the Christ that they made these superstitious savages believe that all who had faith in this "new religion" would occupy the earth, and all who did not would be destroyed; and they were told that which is most precious to the Indian heart, that the spirits

"The Indians are practically a doomed race, and none realize it better than themselves."

of their departed relatives would be resurrected, and that after the whites were destroyed they would come back driving vast herds of buffaloes and wild horses. They there met the representatives of fourteen tribes of Indians, and after several months they returned to the various tribes and announced what they had seen and heard, fully convinced that what had been told them was true. But in order to gratify the savage nature of the warlike Sioux they agreed that *acts* would be necessary to appease or hasten the coming of the messiah; that they must help remove the whites and thereby show their faith by their works.

To the disaffected, turbulent, hostile spirit of such men as Sitting Bull and others this was like a revelation; nothing could be more gratifying; and the false prophets and medicine-men immediately took advantage of the condition of the Indians to proclaim this doctrine and spread disaffection among the different tribes.

In early life Sitting Bull gained his reputation as a warrior by incessantly organizing and leading raiding parties and by his perpetual hostility to the white race. Few Indians have appeared on this continent who have been more successful in organizing and drawing to them large bodies of the discontented of their people. Emissaries travelled in various directions, not alone from his tribe, but more especially from the Shoshones and Arapahoes, who have been to some extent peaceable for many years, going to the different tribes and endeavoring to persuade them to this belief. Emissaries from Sitting Bull carried the tidings to the different tribes to get all the arms and ammunition possible, and meet all the warriors near the Black Hills in the spring. They visited the band of Sioux Indians north of the British boundary, and sympathy and promises of support were returned. The first sign of disturbance was to be the signal for the gathering of the warriors.

During the last few years of peace, and while there was apparently no danger of immediate outbreak, the Indians have been getting a large amount of ammunition and arms. The Indian's instinct is always to obtain some weapon of warfare or defence, and if he cannot obtain a rifle, he will get a knife or a bow and arrow. His favorite weapon, and one he has been most desirous of obtaining, is the long-range Winchester rifle, which is a rifle of the most effective kind.

The theory that a few lines of railway and the disappearance of the vast herds of buffaloes have made it impracticable for Indians to go to war is erroneous. They

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are in a better condition for war at present than ever before; they can live upon domestic stock, and there is abundance of it scattered over the plains country and much of the mountain country; and the numerous horse-ranches would furnish them a remount in nearly every valley. The Nez Percés, Bannocks, and Apaches in their recent wars lived and moved entirely upon the stock of white settlers. The area over which they could roam is the country west of the Missouri River between the Canadian boundary and the Rio Grande. It contains a very sparse population that has been struggling to plant homes.

Another reason of encouragement to the Indians to assume hostilities, and one of which their false prophets take advantage in influencing their followers, is the misfortunes that have occurred to the white people in the plains country during the last few years. Three years ago a very large percentage of the domestic stock was destroyed by the intensely cold winter of 1887, and the losses were ruinous to thousands of white settlers and ranchmen. The drought during the last two years has been very serious, and has caused many of the poor settlers who have been struggling for years to support themselves and their families to leave that country in pursuit of better fields west of the Rocky Mountains or east of the Missouri. This, the false prophets claim, is an indication that the Great Spirit is angry with the white people for destroying their buffaloes (cattle) and causing them to leave the country, and that in time their buffaloes will return, as well as their dead relatives.

While the Indians have been in this disaffected condition and rearming and remounting, the little army that is the only safeguard between the unprotected settlers and the savage hordes has been employed in other fields, and its supplies and equipments have been seriously curtailed. Congress has fixed the limit of the enlisted men in the army, the number of employees, the number of horses and the number of mules, and the limit is what might be required in time of peace rather than what is actually required in serious warfare. Congress, however, has not limited Indian wars. This necessarily causes much embarrassment to the United States troops; yet it has been the experience of the army of the United States to cope with the large number of savage tribes, experiencing all the dangers and hardships of a war in which no quarter is expected, and every officer and soldier who enters an Indian campaign realizes that, unless he achieves success, naught awaits him but torture or death.

No one who has not experienced it can comprehend or appreciate the fortitude, hardships, and sacrifices displayed and endured by our army in its years of experience in Indian warfare; frequently in the wildest and most rugged sections of country, amid cañons, mountains, and lava-beds, under the tropical heats of the south or in the Arctic blizzards of the extreme north; yet year after year it discharges whatever service is required of it with most commendable fidelity.

You ask me who is responsible for this condition of affairs. The answer is both the whites and the Indians.

First—Those white men who have compelled the Indians to live upon limited tracts of land and allowed them to get into the condition in which we now find them, dissatisfied and equipped for war.

Second—Another class of whites are those who have committed the great crime of instilling into the minds of these superstitious and vicious savages the delusion that they have a messiah among them, and that the white people who do not believe it will be destroyed by some supernatural power: it matters not whether the Indians have been incited by this class of white people in actual words to open hostilities or not; the deceptions that have been practiced upon them have aroused their warlike natures until they are in a condition for devastation, plunder, ravage, and all the horrors that savage fiends can inflict upon defenceless and unprotected people.

Third—Another class of people who are responsible are the white men who have made merchandise of the welfare and safety of their own people; in other words, those who have sold thousands of improved magazine long-range rifles and tons of ammunition to savages, which alone enable them to devastate the country. Those Indians could manufacture neither a rifle, a cartridge, or a knife; yet they are better armed and better supplied with ammunition to-day than at any time in their history.

Fourth—Those who are to blame for this threatened danger are the Indians themselves; and Halleck's description of Red Jacket is not a bad illustration of the Indian's double character. While they have wrongs and grievances that have been fully enumerated, at the same time they have friends anxious to protect their interests; but, notwithstanding this, they would in justification of some real or imaginary wrong, or prompted by some wild, savage religious frenzy, ravage a country and brain the innocent prattling babe with fiendish delight as readily as they would meet a stalwart foe.

If you ask for the remedy that will prevent the possibility of such a condition of affairs in the future, I would say that I have not changed the opinion formed and stated in an article in this REVIEW thirteen years ago. After careful observation of all the principal tribes in the United States, I believe that those people who have been and are still a terror to the peace and good order of certain States and territories should be placed under some government just and strong enough to control them. The time has arrived when the lives, welfare, prosperity, and future of those great States are too precious and too valuable to be jeopardized by these yearly alarms and frequent Indian wars. While thousands of people have fled from their little homes, and abandoned most of their property, to seek shelter and refuge in any place where it could be obtained, and while thousands of resolute and intrepid officers and soldiers are enduring the severity of a Dakota winter to hold in restraint these tribes of turbulent savages, it is hoped that some conclusion will be reached by the government to permanently end the present state of affairs. The subject is too serious for selfishness, acrimony, or partisanship. It requires judicious, humane, and patriotic treatment. □

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George Truman Kercheval

1891

Kercheval reacts to the Miles article with a catalog of white misdeeds, broken agreements, and government debts not paid—and urges citizenship and fair-dealing for the Indian population.

Fair Play for the Indian

If space in THE NORTH AMERICAN REVIEW permits, I should like to make a few remarks upon General Miles's article, "The Future of the Indian Question," published in the January number.

General Miles says: "Again, take the Sioux nation that committed the terrible massacre of '62," etc. The Sioux, as a nation, did not commit that terrible massacre. One might as justly say that the Sioux as a nation fought the Sioux. In 1862 the money due the Sioux from the sale of lands was sent to them in gold; the agent paid them in greenbacks, pocketing the difference. The Indians protested against this, insisting upon all that was due, but the agent refused to give it to them. Their treaty stipulations were not kept by the government, and their annuities were in arrears; they were consequently suffering for food, but must starve, though provisions were in the government warehouse. Becoming desperate, they broke into the storehouse, and thus began the outbreak, these Sioux being designated as hostile. Others of the Sioux rescued white men, women, and children from these warriors, risked their lives to carry them to safe places, sheltered them and fed them; others fled, as much victims of the outbreak as white people. Some of the Sioux now at Yankton Agency were organized as scouts under General Sibley, who said that "they proved more effectual than twice that number of white soldiers"; but the white troops received a salary, while the scouts have not yet been paid. And now, twenty-nine years after, these starving Sioux, brave, loyal fellows, are asking for this money due them; they want it to buy food for their families; otherwise they must watch them die for lack of nourishment. The crops this year have failed, and there is not work enough to keep them all earning something during the winter in a farming community.

Others of the Sioux, "who were known to be absolutely guiltless of any acts of hostility," but "deserving of reward for the rescue of white captives," says the Commissioner of Indian Affairs, were made prisoners and their property confiscated. Two hundred and fifty friendly Indian farmers lost not only their homes, taken by the government, but their crops and their herds of stock; $125,000 worth of their property was used to feed United States soldiers and prisoners. After repeated urging, Congress appropriated $7,500 for these farmers; what the government had taken the government refused to pay, and to-day we honestly owe the Sioux $117,500 of this debt. These loyal farmers, who had fed the troops and committed no hostilities, were deprived of their annuities for four years, and sent to another State, where they lived in want, suffering for food; having been deprived of their homes, their stock, clothing, and furniture. The Indian Commissioner in 1868 wrote: "What I ask for them is that our government restore to them a part of what we took, and give them the same chance to live and thrive which we give to all the other inhabitants of our country, whether white or black." It would be unjust for any one to pass over this bit of Sioux history knowingly.

General Miles also says that in 1876 the Sioux "were again openly hostile"—because the government drove them to desperation. Owing to a failure in appropriation, the supplies did not come. The crops and vegetables were destroyed by grasshoppers. Unless one witnessed this devastation, as I did, it would be difficult to realize it. Their farming implements, schools, and teachers were not furnished as per treaty—have not been furnished, as promised, up to the present moment. People constantly told them that they were to be removed to another territory. When these starving creatures left the reservation to seek game, in order to save the lives of their wives and children, troops were sent to arrest them. In violation of the treaty stipulation the Black Hills had been entered. Put yourself in such conditions as these Indians were placed in, and see if you, even with years of civilization and Christianity as an inheritance, would not conclude that it were better to escape and die, if needs must, rather than calmly starve. They slipped away from the agency and joined Sitting Bull. No wonder that they "were again openly hostile."

In 1877, according to General Miles, "their war ponies were sold and the proceeds returned to them in domestic stock." General Miles would not have made such a statement had he not believed it true. I am very glad to be able to call attention to this matter. It is true the war ponies of the Sioux were seized, but it was in direct violation of Article 8 of their last-concluded treaty. Not only the ponies but the mules were seized by order of the War Department. This property was sold; from the sale of the horses alone the War Department received $19,412.96. The Indians were told that the loss would be made good; so 450 cows were given them, valued at not more than $20 each, amounting to $9,000. Instead of the proceeds of the sale of war ponies being returned in domestic stock,

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$10,000 is still due these Indians, and they have been asking for fourteen years where their $10,000 is.

General Miles believes the messiah was a messenger of war. Most of the people in the Indian country believed him to have been a messenger of peace. Bright Eyes says the Sioux looked upon the messiah as a messenger of peace; no weapons were allowed in the ghost-dance, not even a piece of iron; the first serious trouble occurred when the troops came to the ghost-dance with their weapons; this the Sioux looked upon as an insult to their sacred dance. Bright Eyes is at Pine Ridge, among the Sioux; she is an Indian, an educated, cultivated Ponca, and has been sent there to get at the truth, and has a better opportunity of knowing the true state of affairs than any white person at a distance, or even there.

The present trouble with the Sioux was caused, first, by the autocratic power of one incompetent individual over a community of individuals; secondly, by the failure of crops and the immediate reduction of food by the government, so that five and six people were dying daily from starvation. The failure of crops was caused by drought. To the white farmers thus suffering money and food were sent, but the Indian's ration was reduced; unsuitable farming implements were sent him, made of poor material; threshers where there was no wheat to thresh; corn-shellers where no corn would grow. Schools as per treaty, domestic animals, and wagons were not forthcoming, though the United States has three million dollars in the treasury belonging to the Sioux. Before their land was properly surveyed eleven million acres were opened to settlers. Those Indians who had built themselves houses and owned respectable farms were told that when the land was allotted their farms would be elsewhere. All this is summed up in "the Indians became restless."

The white man who posed as the messiah has been arrested. What is to be done with him? Sitting Bull was killed because he preached the messiah to the Sioux, though Sitting Bull offered to go with the agent and find out in different places if there was a fraud, and so no messiah. Sitting Bull, a superstitious, ignorant, cunning medicine-man, was killed in violation of both civil and military law, and the result is a war. His followers surrendered 250 women and children and 150 fighting men. The troops searched them because they did not yield up their weapons. The truth of what these Indians had been told flashed upon them; they were to be torn from their homes and sent to Florida. With one bound they faced death; the troops outnumbered them, and the Indians knew what this meant; but they fought "like red devils," says the newspaper correspondent; had they been white men it would have read "they fought bravely."

Bright Eyes writes to me December 28: "The rumor is that they are to take the hostiles—who were not hostile, mark you, and who have not taken a single life—to Florida. If true, it is the most outrageous performance yet. The country ought to ring with it. As the soldiers express it, they did not know what in the world they were brought here for in the first place; the Indians seem to look at it as an outbreak of the army instead of an outbreak of themselves. The idea of tearing these people away from their homes because many of them fled from fear into the Bad Lands. I hope every paper in the land will open a broadside on whoever has done this."

When the battle reported at Daly's ranch is sifted, it turns out that one of the men, feeling pity for some starving Indian women, gave them two rams. The first intense battle at Pine Ridge was purely a newspaper space-filler; no one at Pine Ridge, I have accurate information, knew of the battle. When General Brook sent out to tell the Sioux to come into the agency, people interested in keeping them out told them they would be made prisoners and sent to the Indian Territory. The lower class of white people want troops because it puts money in their pockets; men who received but $1 a day before the troops came now get $5. One man who has a contract for forwarding supplies to Pine Ridge from Rushville gets $561 a day; people have contracts for supplying troops at Pine Ridge with three hundred tons of hay and over two hundred pounds of oats alone.

Newspaper correspondents sent out there have been determined to telegraph something; so the military authorities have been annoyed and the good work they might have done has been hampered by sensational press despatches. All these mistakes, with the false move of killing Sitting Bull, have forced an Indian war.

To make this impossible in the future there is but one course to take. It is absurd to pauperize the Indian by giving him either food or clothing; it is beyond reason to place any people under autocratic rule in this country; it is useless to give money destined for private individuals into the hands of politicians; not that our politicians are as a class dishonest, but that a temptation to cheat what people call the government, not realizing it is the people, seems too great for hitherto-honest persons to resist. We ought no longer to try impossibilities, but at once make each Indian amenable to the law of the State or territory in which he resides by making him a citizen. Treat him as a responsible individual, as has been done in Nebraska, and he will earn his own living, be willing to educate his children, learn not to be cheated. Do not chain him to the ground, as in Nebraska, by forcing him to farm whether he wills or not; let him rent his land and practise a trade there or elsewhere.

Until the Indian is a citizen, subject to the same privileges and penalties as are other men in this country, we may expect war, expensive in loss of life, loss of money, and loss of prosperity in that part of the country where it occurs. □

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James Kyle

1894

Kyle was a Senator from South Dakota, Chairman of the Committee on Education and Labor. An Independent—but generally voting Republican—he was also an ordained Presbyterian minister.

How Shall the Indians Be Educated?

More than a century has passed since, at the beginning of our government, many statesmen and philanthropists fondly dreamed of civilizing and educating the Indian, and yet we are confronting a problem still unsolved. The Indians in many parts of the United States still maintain their tribal relations, love the wild vastnesses of the frontier, with the tepee, gun, and blanket, and generally prefer to subsist by hunting rather than submit to the tasks imposed by civilized life. The problem is a great one; much more perplexing than at any time in our nation's history. Previous generations, when disputes arose and more territory was needed for a rapidly increasing population, contented themselves with crowding the red man further out upon the frontier. Today every available spot in our country has been seized by white settlers; and the Indian, dependent upon the government for subsistence, is confined within defined reservations. We can no longer crowd them or drive them or kill them. We must protect them, and if possible make citizens of them. It would seem strange that a century of dealing with the Indians had not advanced them beyond semi-barbarianism, were it not an obvious fact that our government has maintained toward them no fixed or well defined policy. We read in vain the voluminous lists of Indian treaties and government statutes relating to the tribes to determine just what our purpose has been. At one time treating them as a foreign nation; at another caring for them as wards; by one act binding ourselves to protect them in their rights to valuable land; by another wresting it from them simply because the white man wanted it. Scarcely a treaty has been made which has not been broken. Few promises have been strictly kept; and yet through all we have been profuse in our declarations of philanthropy. On the whole our disposition may be said to have been humane. As early as 1791 Washington, in addressing Congress, said:

> "A system corresponding with the mixed principles of religion and philanthropy towards an unenlightened race of men, whose happiness materially depends on the conduct of the United States, would be as honorable to the national character as conformable to the dictates of sound policy."

These views were shared by many statesmen of the time. That they were not carried into practice or adopted as a determined policy of the government was due to the inevitable law of the subjection of the inferior to the superior race. Civilization conquers barbarism by the law of the survival of the fittest; and volumes of theorizing give way before the not-to-be-impeded progress of an enlightened Anglo-Saxon race. Civilization will not allow barbarism to stand in its way. This relentless law means for the Indian extermination or absorption into the civilized citizenship of the nation. Humane governments will see that the latter rather than the former occurs. Amidst our heartless, grasping, conflicting policies our purpose, I think, has been, and is now, to convert our Indian wards into intelligent American citizens. Now that the hunting-grounds are gone and the reservations confined to the less desirable portions of the country, and the Indians are to be fed and clothed and educated by civilized taxpayers, it behooves us to trifle no longer, but adopt a policy which will, within a generation if possible, bring the majority of the tribes to self-support.

According to good authorities the Indians are not decreasing in numbers. Some say there are as many in the United States as when Columbus discovered America. The last Census gives the total number in the United States as 249,366, divided as shown in the table on page 82.

From the Commissioners' report there appears to have been a decrease in the number of Indians during the year 1889-90. But previous enumerations seem to have been mere guesses. If a decrease has occurred during the past decade it is slight, and is largely due to the utter ignorance of the Indians as to sanitary laws: a knowledge made necessary since the introduction of wooden huts or houses. It is next to impossible to get correct data of deaths among the Indians. In my judgment the rate of births does not decrease, but a large percentage of children are carried off by disorders arising from the filthy and diseased manner of living. In the days of the tepee, nature took care of the Indian by furnishing pure air. But since the introduction of houses, one may often see a large family, old and young, huddled in a large room, air-tight, with dirt floor, foul bunks; dogs, food and utensils, and a stove, which in winter is kept red hot. Ventilation is unknown. As a result, thousands of the Indians to-day are victims of scrofula and kindred troubles. With education and the instruction now being given by matrons on the reservations this evil will be corrected, and I look to see the Indian race increase as rapidly as the whites.

Another hindrance to the civilization of the Indian

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in the past has been the trickery and fraud practised by government officers, agents, and employees. An Indian agency has often been given as a reward for political services. Men have been chosen for their positions, not from fitness or experience, but to cancel political debts. The office has been regarded as a license to filch and rob the Indian for a period of years. Contractors have furnished cattle of a poor grade and of light weight. Cows were furnished that no one could milk. Horses were thrust upon them which were suitable for neither work or breeding purposes. The distribution of clothing has been without regard to wants or fitness; meats have been rotten, etc., etc. All this on the principle that anything was good enough for an Indian. Under late rules of the Indian Department, however, these evils are rapidly being corrected, and the day is not far distant when all agencies will be conducted on business principles, and in such a manner as to command the co-operation of the Indians toward their own education and development.

One of the best measures yet adopted for the civilization of the Indian was the action of Congress in passing what is known as the Dawes Severalty Bill. This is the first attempt toward breaking up the tribal relations, a condition which has for one hundred years stood in the way of progression. Under this new system nearly twenty thousand Indians have taken allotments, and government officers are prosecuting the work as rapidly as possible. Each Indian family conforming to this law now has a local habitation where a suitable home can be built under the supervision of the agent, barns and inclosures for stock, and around which in time will gather the comforts of the home. But, best of all, it means the beginning of an occupation, the want of which on many reservations has done more than anything else to produce idleness and the vices common among Indians to-day.

The experience of some of the older agencies is evidence enough to show that the Indians will make successful farmers if properly encouraged. On this point I quote from the report of the Secretary of the Interior for 1893 some testimonials of Indian agents. The agent of the Yankton tribe of South Dakota gives the following encouraging report:

> Three years have now transpired since this tribe received their individual allotments or land. Nearly all Indian families now reside on their farms, all of them have fields of greater or less extent, and many of them have erected comfortable houses and other buildings and planted groves of cottonwood and other native trees, whilst several of the most thrifty among them have planted apple and other fruit trees; all of which make many of the Indian homes look attractive and pleasant.
>
> The estimated yield of farm crops as made last year proved quite correct, except as to the corn crop, which proved almost a total failure, owing partly to the long continued drought and partly to poor cultivation. The crop for 1893-94 is estimated and will not vary to any great extent from the following:

Crop.	Acreage.	Estimated amount. Bu.	Estimated value.
Wheat	2,240	26,880	$10,752
Oats	660	16,500	4,125
Corn	1,230	30,000	9,000
Potatoes	60	3,000	1,500
Flax	10	65	40
Garden	45	.....	250

> The Indians have purchased during the year several more binders and other farm machinery, and to all appearances they will hereafter be able to supply themselves with all the farm machinery and tools that they may require.

The above (Yankton) reservation is located in a fairly good agricultural region. The following, however, is from the report of the agent at Rosebud, South Dakota, a drought-stricken district, and certainly shows commendable perseverance on the part of the Sioux Indians:

> The acreage cultivated this year aggregates 3,743 acres, of which 2,473 was planted with corn, 320 with wheat, 750 with

AREA OF INDIAN RESERVATIONS: ALSO POPULATION, BIRTHS, AND DEATHS OF INDIANS IN EACH STATE AND TERRITORY OF THE UNITED STATES FOR THE YEARS ENDING JUNE 30, 1880, 1890, 1891, AND 1893.

[From the Annual Report of the Commissioner of Indian Affairs.]

States and Territories.	Area of Indian Reservation. 1880. Acres.	1880. Square miles.	1892. Acres.	1892. Square miles.	1893. Acres.	1893. Square miles.	Indian population. 1880.	1890.	1892.	1893.	Vital statistics.[1] 1890. B.*	1890. D.†	1892. B.*	1892. D.†	1893. B.*	1893. D.†
Arizona	3,092,720	4,832.50	6,464,037	10,100.00	6,400,037	10,000.00	21,361	30,749	34,962	35,277	235	162	232	177	284	214
California	501,083	783.00	463,795	724.75	438,868	685.75	10,669	12,108	12,516	12,514	83	80	60	61	61	108
Colorado	12,467,200	19,480.00	1,094,400	1,710.00	1,094,400	1,710.00	2,530	1,793	986	1,002	58	32	20	20	27	12
Dakota	36,616,448	57,213.50	[2]	[2]	[2]	[2]	27,168	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]
Florida	----	----	----	----	----	----	----	----	----	450	--	--	--	--	4	4
Idaho	2,748,981	4,295.00	2,088,091	3,262.50	2,088,091	3,262.50	4,020	4,251	4,261	4,185	70	35	45	108	76	94
Indian Territory	41,100,915	64,236.00	25,893,812	40,459.00	19,879,573	31,062.00	76,895	68,225	70,391	71,856	43	30	36	19	33	31
Iowa	692	1.00	2,900	4.50	2,900	4.50	355	399	392	389	14	18	10	8	16	20
Kansas	137,747	215.00	89,871	140.50	73,796	115.25	746	1,016	1,066	1,102	52	19	48	44	51	32
Michigan	66,332	104.00	19,799	31.00	19,799	31.00	10,141	7,428	7,428	7,428	--	--	--	--	--	--
Minnesota	5,026,447	7,853.00	2,254,781	3,522.75	2,254,781	3,522.75	6,198	6,403	6,685	6,194	115	97	179	161	196	178
Montana	29,356,800	45,870.00	9,382,400	14,660.00	9,382,400	14,660.00	21,650	10,842	10,604	10,722	351	342	406	374	309	395
Nebraska	436,252	682.00	126,503	198.00	114,550	179.00	4,409	3,254	3,814	3,862	134	140	147	113	194	177
Nevada	885,015	1,383.00	954,135	1,490.50	954,135	1,490.50	6,800	8,375	8,442	8,500	83	51	34	42	24	23
New Mexico	7,228,731	11,295.00	9,495,645	14,837.00	9,495,645	14,837.00	23,452	10,998	9,903	9,882	1,093	1,627	97	104	52	51
New York	86,366	135.00	87,677	137.00	87,677	137.00	5,139	5,112	5,236	5,160	117	114	161	146	108	95
North Carolina	65,211	102.00	65,211	102.00	65,211	102.00	2,200	3,000	2,885	2,885	--	--	75	50	120	125
North Dakota	[2]	[2]	3,914,240	6,116.00	3,812,833	5,957.50	[3]	7,759	7,865	7,877	371	338	301	338	271	260
Oklahoma	----	----	7,605,478	11,883.50	7,231,747	11,300.00	----	13,176	12,903	12,676	725	908	454	556	507	737
Oregon	3,853,800	6,022.00	1,929,105	3,014.25	1,929,105	3,014.25	5,355	4,507	4,730	4,523	101	127	130	115	78	104
South Dakota	[2]	[2]	10,271,501	16,049.25	10,271,501	16,049.25	[3]	19,696	18,454	18,561	452	456	566	582	525	553
Texas	----	----	----	----	----	----	290	290	290	290	--	--	--	--	--	--
Utah	2,039,040	3,186.00	3,972,480	6,207.00	3,972,480	6,207.00	840	2,211	2,260	2,267	51	41	27	34	25	20
Washington	6,925,748	10,821.00	4,045,284	6,321.00	4,046,564	6,323.00	14,289	9,830	9,981	9,924	379	331	213	264	243	270
Wisconsin	586,026	916.00	446,521	697.50	446,521	697.50	8,847	9,152	9,265	9,387	271	195	218	287	294	256
Wyoming	1,520,000	2,375.00	1,810,000	2,828.00	1,810,000	2,828.00	2,063	1,658	1,719	1,724	65	75	43	57	61	72
Miscellaneous	----	----	----	----	----	----	710	1,302	1,302	728	--	--	--	--	--	--
Total	154,741,554	241,800.00	92,477,666	144,496.00	85,872,614	134,175.75	256,127	[4]243,524	248,340	249,366	4,863	5,218	3,508	3,660	3,559	3,741

[1] The vital statistics in regard to Indians are defective. [2] The Territory of Dakota was admitted to the Union, November 2, 1889, as two States, viz.: North Dakota and South Dakota. [3] See Dakota. [4] The reduction below the population for 1889 is due mainly to reduced estimates of the number of Pimas, Papagoes and Navajoes in Arizona. * Births. † Deaths.

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oats, and 200 with potatoes and other vegetables. The wheat and oats have been cut, where suitable for threshing, and the yield is estimated as follows: 2,505 bushels of wheat, 5,685 bushels of oats, 10,712 bushels of corn, and 552 bushels of potatoes and other vegetables.

Considerable wheat was raised last year for the first time, and about 700 bushels marketed at Valentine, Neb., where a mill is located, and 575 bushels sold at the agency for seed. Although a good crop of oats was raised, Indians preferred to retain them for use rather than dispose of them.

Many Indians also gather large quantities of wild turnips, which are dried for winter use. They have attended to farm-work, under supervision of district farmers and direction of the agent, satisfactorily, though determined actions have been necessary to require some to make an effort; but were results more encouraging, more would be done. It is, however, difficult and discouraging to all interested to induce them to enlarge their fields when by drought and other causes many have little or nothing to show for labor and efforts made.

STOCK-RAISING.—This industry is now receiving especial attention, since it is proven that from this source must Indians depend largely for returns and become, if ever, self-supporting. There are at present 12,991 cattle on this reservation belonging to Indians, this spring's increase of calves being 3,202. Every effort is being made to promote this industry.

INDUSTRY.—The Indians of this agency during the past year have been paid, for transporting freight from railroad to agency and issue stations, together with freight for traders and lumber transported for missionaries for building purposes, $15,466.47. They have sold to the Government 968 head of beef cattle, aggregating 1,016,860 pounds, for which they were paid $31,100.75, the beef being subsequently issued under treaty stipulations. They have cut and delivered at the agency and camp schools, to traders and to two missionary boarding-schools, 797 cords of wood, receiving therefor $3,300.44; for grain and hay sold to agency, $1,409.91; and for grain, hay, and other products sold to traders and others, $640.50; aggregating $51,918.07 received for their industry during the year; besides which they have also received 4,833 hides, and marketed the bones saved from beef cattle, for which they receive $6 per ton, delivered at the railroad.

With the above proceeds many have purchased young stock and implements, and otherwise improved their condition. It also demonstrates that these Indians, like white people, will work when an incentive is in view and when money is to be obtained for labor spent. In agriculture in this country there is much labor, little if any money, great uncertainty, and more discouragement than the majority of any people would or could cheerfully endure.

Reports from many Western agencies are even more encouraging. Under circumstances often that would dishearten the white man the Indian has found a living for himself and family. Less than 25 per cent of the total number of Indians at the present time draw rations from the government, and, despite our paternal methods, are reaching out to self-support. Prof. J. W. Powell says of them:

> More than two-thirds of all the Indians now wrest from the soil and from industrial occupations the means of subsistence, without aid from the General Government, having abandoned hunting, fishing, and the gathering of native vegetables, except as a pastime and for occasional supplies. Two-thirds of them are actually engaged in civilized industries, and are fighting their industrial battles with success. One-third have not accomplished this much, and subsist in part on native products, and in part on civilized industries, and in part on the charity of the Government. All have learned to work to some extent, and all have learned the utter hopelessness of contending against the forces of civilization, and have abandoned the expectation, and generally the desire, to return to their primeval condition.

In many States they are driven from the more desirable lands to the barren semi-arid districts, and if confined there the government must provide means for irrigation as rapidly as the lands are taken in severalty. In other words we must make self-support possible. Where irrigation has been tried in New Mexico, Arizona, and other States it has proven successful and abundance of produce is raised. So that in the occupation of agriculture there is every reason to hope that the Indian will be able to compete with his white neighbor.

The apathy manifested towards the adoption of a humanitarian or educational policy is also accounted for by the current belief among public men that the Indian cannot be civilized, and that all money spent in bettering his condition is as good as wasted. John Quincy Adams, in his published diary of proceedings while President, records the following as the views of Henry Clay, then Secretary of State:

> "Mr. Clay said that it was impossible to civilize Indians; that there never was a full-blooded Indian who took to civilization. It is not their nature. He believed they were destined to extinction, and though he would not use or countenance inhumanity towards them, he did not think them as a race worth preserving. He considered them as essentially inferior to the Anglo-Saxon race, which were now taking their place on this continent. They were not an improvable breed, and their disappearance from the human family will be no great loss to the world. In point of fact they were rapidly disappearing, and he did not believe that in fifty years from this time there would be any of them left. Governor Barbour was somewhat shocked at these opinions, for which I fear there is much foundation."

These statesmen, were they living to-day, might hear such sentiments expressed by prominent members of Congress. Even though more than fifty years have passed and Indian wars have ceased, those interested in the Indian problem are not agreed by any means that any good can come from an Indian reservation. And yet the humane sentiment of the country has prevailed. Through educational, religious, and other civilizing influences we are attempting to make men and women of the Indians. Notwithstanding the statements of prominent public men to the contrary, the Indians want civilization. Of course many still possess the wild instinct and are devoid of any desire for education. Such people, however, are found among the white race. But the wise leaders and thinking men of the Indian race to-day see that their tribal history is doomed, and that their future, if they have one, must be linked with the white race, adopting the manners and customs of civilization. These sentiments were expressed to me within a few months by some of the oldest and most respected chiefs of the Sioux Nation. They spoke earnestly of their children and their wishes as to education and other subjects. They said the days of hunting were gone, and that though they themselves were too old to change their manner of life, their children must subsist by agriculture and the trades. This was not spoken with regret, but with feelings of hope as to a better future.

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The Indian, moreover, has within him the capabilities upon which to base a better manhood and citizenship, despite the barbarous instincts attributed to him. With no incentive to work, and with encouragement to vice and idleness on every hand, there are to-day upon the reservations many excellent and worthy Indian men and women. Though stolid and sphinx-like in demeanor, the Indian has the feelings and affections common to human beings. With no educational advantages, they are men of remarkable sense, often approaching a high order of ability. The old Chief of the Sioux Nation, Spotted Tail, was a striking figure whether taken physically or intellectually. The late Mrs. Elizabeth Winans, a Sioux woman, during a life of Christian service for her people, was actuated by a purpose as pure and noble as that shown by any philanthropist of the country. Among the Indians are fine natural orators and statesmen, equalled by few educated white men. Under education they have shown themselves quick and ready learners, competing easily with white pupils of the same age. I have observed them at their studies, and am convinced that they are as capable as white children of grasping the ordinary branches taught in the common schools. It has been my pleasure to hear addresses from full-blooded Indian college students which would do credit to undergraduates of Yale or Harvard.

Since the days of Eliot, philanthropists have done something towards educating the Indians, though no definite plan seems to have been adopted by the government until of late years. Indian children were gathered together by missionaries for religious instruction. These sectarian schools have demonstrated Indian education, and are equal to any schools on the reservations to-day, both as to instruction and methods employed to develop pupils. The Commissioner of Indian Affairs reports 76 of these schools, located as follows: Arizona 1, California 5, Idaho 1, Indiana 2, Kansas 1, Michigan 2, Minnesota 8, Montana 7, Nebraska 2, New Mexico 12, North Dakota 3, Oklahoma 8, Pennsylvania 1, South Dakota 10, Virginia 1, Washington 4, Wisconsin 7, and Wyoming 1.

These institutions are equipped with intelligent, self-sacrificing teachers, often better fitted for such work than those furnished through the government. The difference between the missionary teacher and the government employee is that the former is always imbued with the honest belief that an Indian can be both civilized and christianized. Out on the barren prairie, miles from the nearest village or agency, is often seen what is called a mission. Ample buildings have been furnished through the generosity of Eastern friends, which serve as dormitories and schoolrooms for boys and girls. Scattered round are shops for industrial education—for both boys and girls are taught in the useful arts. Gardens furnish a supply of vegetables, while stretching for a mile can be seen fields of beautiful grain. The above is a description of a sectarian school recently visited by the writer. There were Indian boys and girls ranging from four to fourteen years of age, dressed in plain, but neat clothing, all bright and happy. The boys at the time (evening) were playing ball, and the girls in an adjoining yard were having a genuine romp. These children are kept through the entire year, not being allowed to go home except for a week during the holidays or during sickness. Parents are privileged to see their children any day they may come. In this way pupils are kept among their people, but are not allowed to fall back to the custom of the tepee and the blanket. Sectarian schools until within a year or two received aid from the government, but all, I believe, have now relinquished this assistance except the Roman Catholic denomination.

The government, following the plan of the denominational schools and our public school system, has established 156 boarding-schools, with an average attendance of 13,635; and 119 ordinary day schools, with an average attendance of 2,668. The former are generally located at the agencies, and the latter are scattered over the reservations much like our common country schools. Good teachers, both men and women, are furnished through the Civil Service Commission in connection with the Commissioner of Indian Affairs. The schoolhouses are well furnished and kept clean. The compulsory system of attendance is strictly carried out; a policeman being sent for every child who fails to put in an appearance. Children are required to be neat and clean, and conform to all the usages of civilized life.

But while the Indians may show talents capable of great development, I would not approve giving them superior educational advantages. Professional men, with very few exceptions, are not to be thought of among Indians, who must expect after being educated to live with their people. An examination of the catalogues of some of our Indian schools reveals the fact that our Indian training-schools have adopted the plan of industrial training—the curriculum of study not being advanced beyond the ordinary grammar grade. The government has established twenty of these non-reservation training-schools, located as shown at right.

The founders of this system have based their hopes largely on the contact of Indian youths with civilization. And no doubt the trades and the outing plan have done much to teach self-reliance and confidence in the competitive struggle with the white race. But it is a question whether the training-school system is not being overworked, or worked beyond the progress of the tribes on the reservations. The two must coöperate, or advance side by side. What the Indians of to-day need is a plain, every-day education in the rudimentary branches, as is given in the reservation public schools; that which will fit them for the trades and agricultural pursuits. Our college and state universities will gladly take and educate any specially bright pupils who may be needed as teachers and for other professional work.

The Indian needs, above all things, a trained hand and something to do. Idleness is the mother of all vices, and it is surprising that so many of the Indians are upright and show a disposition to improve when pampered and fed by the government. A nation of whites so treated would have gone to destruction. But with an industrial

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education and a proper policy as to supplying the Indians with work I believe the race will make rapid strides towards citizenship.

The curse of the Carlisle or Hampton or Genoa youth to-day on coming back to the Reservation is, nothing to do. They have been among civilized people, and in a measure learned their ways. They return to the tepee, and with their citizen suits and manners find themselves a laughing-stock among their people. No wonder that they often take to the blanket again and conform to the only mode of life left to them. A very few may be employed as blacksmiths, clerks, or teachers around the agencies. As a rule these remain progressive.

The old chiefs of the tribe sadly lamented the condition of their educated young men. No less than four of them at a public meeting on the reservation spoke of the folly of sending their children off to school. They pointed to the barren prairies and the tepees, and said there was nothing better for the young than for the old. If the young men are to be educated, then, said they, let the government plan work for them. While on a recent trip to the West a young man who had just learned the blacksmith trade at school begged me to intercede with the Commissioner of Indian Affairs to secure him a "job of work." He was an earnest, honest young man, who desired to earn money and get a home. At the same time while walking round a number of tepees I discovered a young man about 20 years of age, of fine appearance, with a nice suit of clothes—dark coat, light trousers, and polished shoes—sitting upon a wagon tongue. He looked disconsolate. Pointing to an Indian and squaw and two girls, I asked who they were. He said they were his father, mother, and two sisters. Said I, "Have you been off to school?" He replied: "Yes, I was off three and a half years and learned the tailor's trade; but there is nothing for me to do here." Looking at the primitive dress of those around him, I thought his prospects were not very bright. He would find it difficult to compete with white people were he to remain at the East, and the government had not yet made it necessary to have tailors amongst the Indians.

This leads me to remark that the earnest desire of the chiefs is that the industrial boarding and training schools shall be established on the reservations—not somewhere East—and that their children shall not only learn the trades, but shall be privileged to manufacture as far as possible the articles now purchased for them under the contract system. In agricultural districts the Indians should be taught farming. But it is folly to unload farm implements before their tepees and tell them to go to work. The customs of centuries cannot be changed in a day, nor can new modes be acquired without time and instruction. After the selection of allotments the government must furnish a sufficient number of practical farmers to cover the entire district, whose duty it shall be to manage farms from seed-time to harvest. This must include instruction in use and care of machinery, time for sowing and reaping, the kind of crops to raise with profit, and the care of stock. Under the present arrangement sub-farmers are furnished as instructors; but with no definite habitations, no barns or corrals, and a breed of horses not much larger than the Mexican burro, farming among the Indians is a farce.

We purchased last year as rations for all tribes about 30,000,000 pounds of beef. These cattle are largely furnished under contract by white people. The Indians take naturally to stock-raising, and there is no reason why they should not provide all the cattle used at the agencies. Our reservations are covered with luxuriant grass and millions of acres go to waste annually. Let the government buy good marketable stock cattle—not scrub grades—and furnish them to the Indians; and in a few years every man of them will feel a pride as he looks at his herd and will contribute the beef now purchased from the whites. Thousands of cattle are now raised successfully by the Indians on the reservations, and there is no reason why this business cannot be made a great success.

The Indians are furnished a great many articles, such as hardware, medical supplies, household utensils, medicines, glassware, groceries, etc., which must necessarily be supplied from abroad; but they should be encouraged to manufacture, though in crude form and perhaps at greater

Name of school.	Date of opening.	Number of employes	Rate per annum.	Capacity	Enrolment.	Average attendance.
Carlisle, Pa.	Nov. 1, 1879	72	167	*800	840	731
Chemawa, Oregon	Feb. 25, 1880	31	175	300	336	248
Ft. Stevenson, N. Dak.	Dec. 18, 1883	21	---	150	157	153
Chilocco, Okla.	Jan. 15, 1884	42	167	†300	236	224
Genoa, Neb.	Feb. 20, 1884	40	167	400	414	340
Albuquerque, N. Mex.	Aug., 1884	52	175	300	269	222
Haskell, Kan.	Sept. 1, 1884	48	167	500	606	538
Grand Junction, Colo.	1886	17	175	120	102	98
Santa Fe, N. Mex.	Oct., 1890	33	175	175	173	118
Fort Mojave, Ariz.	Oct., 1890	22	167	150	134	118
Carson, Nev.	Dec., 1890	23	175	125	122	80
Pierre, S. Dak.	Feb., 1891	19	167	180	147	120
Phoenix, Ariz.	Sept., 1891	26	175	130	121	105
Fort Lewis, Colo.	Mar., 1892	20	---	300	94	63
Fort Shaw, Mont.	Dec. 27, 1892	24	---	250	171	135
Perris, Cal.	Jan. 9, 1893	12	167	120	113	90
Flandreau, S. Dak.	Mar. 7, 1893	12	---	150	98	86
Pipestone, Minn.	Feb., 1893	12	167	75	61	38
Mt. Pleasant, Mich.	Jan. 3, 1893	11	167	100	59	36
Tomah, Wis.	Jan. 19, 1893	12	167	75	93	77
Total		--	---	4,700	4,346	3,621

* With outing system. † When improvements under way are completed.

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expense, all articles used upon the farm. The training-schools have given the Indians tailors, wagon-makers, shoemakers, harness-makers, carpenters, blacksmiths, millers, painters, etc. These young men are nearly all idle, except as they do odd jobs around the agencies. During the past year the government bought and supplied to the Indians 51,188 pounds of leather, 1,271 ploughs, 941 sets of harness, 7,965 dozen pairs of socks, 16,000 shawls, 6,728,900 pounds of flour, 29,777,100 pounds of beef, and 646,370 pounds of bacon.

All these necessaries can be produced by the Indians upon the reservations. On some reservations underneath the ground is stored the finest artesian water power in the world. On the east side of the Missouri River, in the Dakotas, artesian wells are running factories and flouring-mills. A good well will furnish power for sewing-machines, knitting-factories, turning lathes, wagon factories, and flouring-mills. With a good superintendent I think the Indian young men and women will prove excellent workmen. Cattle hides now bring the Indians 60 cents apiece. They are natural tanners. Why not establish tanneries and consume the hides of the millions of beeves slaughtered annually on the reservations? Utilize the leather thus made in the manufacture of shoes and harness. The material for wagons is furnished all small dealers to-day partly finished; hubs, spokes, felloes, and axles being sawed in the rough. Why not furnish such material to Indians and employ all wheelwrights and blacksmiths? An Indian is not particular as to the style of his clothing. Why not furnish substantial kinds of cloth to the agencies, and employ all the young men and women who have learned the tailor's trade? The same should be done in the manufacture of flour, socks, stockings, hats and caps, and many agricultural implements. So far as the trades have been prosecuted by the Indians they have shown themselves apt learners and willing workers. In fact they take to manufacturing naturally. The moccasins, beadwork, worked baskets, buckskin clothing, ornamented bridles, bows and arrows made by them all show natural taste and skill and fine workmanship. From the training-schools are shown samples of shoes, clothing, and harness equal to similar articles produced by white workmen. Indian agents also testify as to the ability shown in the trades. The agent at Yankton Agency, South Dakota, reports as follows:

> SHOPS AND SHOPWORK.—With the exception of the superintendent all of the employees at the shops are Indians. The carpenter, wagon repair, blacksmith, harness, and tin shops have been run the past year about the same as the year before. A small charge is made for harness-work, with a view to cover the cost of the leather used; also a price has been fixed upon certain materials used in the wagon and carpenter shops, with the same object in view. The repair work at the shop employs the shop hands nearly all the time. The amount and variety of the work done are remarkable, such as glazing windows, repairing door locks, filing saws, repairing all sorts of household articles, soldering handles on tin cans, and similar jobs.
>
> In addition to the regular repair work there has been manufactured and issued to the Indians during the year:

Bedsteads	10
Coffeepots	387
Corn markers	36
Tin cups	343
Tin pails	247
Tin pans	90
Stovepipe joints	123
Wagon boxes	23
Coffins	46
Camp kettles	50
Cupboards	46
Doors	21
Door frames	31
Hay racks	14
Iron chimneys	16
Tables	30
Wagon seats	8

These matters are of great importance to the development of this badly treated and uncivilized race of people. Industrial education must go hand in hand with the school, establishing the habits of labor and stimulating an ambition for accumulating property. One generation of vigorous humane policy on the part of the government will bring the Indians not only to self-support, but to citizenship. The factors in the solution are: first, a belief that the Indian can be civilized; second, a well-defined policy; and, third, the divorcement of the entire Indian question from politics. We have dealt with them cruelly and with no well-settled purpose to civilize them; but there is yet time to make amends, and save to the country the credit of having conquered yet preserved and civilized a most interesting race of people. □

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Orville H. Platt

1895

Platt was from Connecticut, and served in the Senate from 1879 to 1909. The problem of whites who either owned or tenanted Indian lands was largely brought on by the Dawes Act of 1887.

Problems in the Indian Territory

Political and social problems in the Indian Territory are unique, complicated, and pressing. The name "Territory" is misleading. It suggests the existence of an ordinary Territorial government, when, in fact, there is no organization except that of the so-called Five Civilized Tribes of Indians, viz., the Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles. The last-named tribe has little more than the usual tribal government, and may be practically omitted when considering the questions arising there. Each of the other tribes named has an organized government copied in form from that of the United States, a written constitution, a legislature composed of two houses, written and published laws, elections, courts, judges, juries, civil officers, and indeed all the forms and methods of self-government. Each tribe claims to be an independent nation with every attribute of sovereignty—in fact, a foreign power. The Indian is not a citizen of the United States, but of the "nation" to which he belongs. In conversation he speaks of "our" government and "your" government as an Englishman would. Our courts neither exercise nor claim jurisdiction in controversies or offences between the members of the several tribes. It is insisted that the United States has by repeated treaties so recognized these "nations" and guaranteed them autonomy that any interference whatever on our part would be violative of national honor.

We have, then, the startling proposition that within the boundaries of the United States four other republics have a rightful, independent existence, free from our control, and that our only possible relation to them as separate governments is an obligation to continue their existence. It needs only the statement of such a claim to show how much of perplexity and probable trouble it involves. If these alleged nationalities were composed of our own citizens, with common habits, occupations, and ambitions—if, for example, four counties in the State of New York claimed to be separate and complete republics, free from State or National control—it would be a most perplexing situation; but when the citizens of these Indian "nations," who have so little in common with our people socially or commercially, regard themselves as aliens, cherishing, not unnaturally, perhaps, a feeling of latent hostility, and retain in great degree Indian traits, characteristics, and traditions, the problem becomes very serious.

The question naturally arises, How did this state of affairs originate, and why does it continue? Without exactness as to dates, it may be said that prior to 1830 the Cherokees, Creeks, Choctaws, and Chickasaws lived in States east of the Mississippi River, occupying or roving over large tracts of territory claimed by them respectively as their own. Conflicts between them and the whites were constantly occurring, and the land and hunting grounds claimed by them were constantly encroached upon, till life became intolerable both for whites and Indians.

In General Jackson's administration a plan was developed by which the lands claimed by the Indians were to be purchased and they themselves were to be removed west of the Mississippi. This plan was carried out in the years between 1830 and 1840. The lands comprising all that country which has been marked on our maps as Indian Territory, including the present Territory of Oklahoma, were given in exchange for lands east of the Mississippi, and in addition large cash payments were made, which constitute the trust funds now held in the Treasury for the respective tribes. They have parted from time to time with their title to lands not actually occupied, so that our Government has reacquired the Oklahoma lands and opened them to settlement; and the Indian Territory now comprises only the lands at present occupied by these several tribes.

This country is about as large as the State of Indiana, equals that State in fertility of soil, salubrity of climate, and surpasses it probably in coal, minerals, and valuable timber. It is occupied by the respective tribes in separate sections under patents granted by the United States. These patents in each instance convey the lands to the tribe so that the title is in the whole tribe—a title in common. Each tribe has its own lands, and no interest in the lands of the others except that, by agreement between themselves, the Choctaws and Chickasaws have a joint interest.

The alleged guarantees that these Indian "nations" shall have complete autonomy and perpetual existence are embodied in certain stipulations on the part of the United States in various treaties, which without lengthy quotations may be summarized as follows: Agreements that these Indian tribes should never without their own consent be included within the territorial limits or jurisdiction of any State or Territory, but should have the right to make and carry into effect all laws for the gov-

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ernment and protection of the persons and property within their own country belonging to their own people, or of such persons as had connected themselves with them, if such laws were not inconsistent with the Constitution of the United States and the so-called intercourse acts of Congress; also, that the United States should protect the Indians "against interruptions or intrusions of citizens of the United States who may attempt to settle in the country without their consent," and should remove such persons from their country if they should find lodgment there; also, that the several tribes should have the sole right to determine questions of Indian citizenship. From the treaties it is also perfectly clear that each tribe took the title to its lands in trust for the equal benefit of all its members. In some of the treaties it is expressed that every Indian "shall have an equal right with every other Indian in each and every portion of the Territory"; and such is the unmistakable meaning of all.

Referring to accounts of the negotiations of the treaties containing these alleged guarantees of continuous independent government, there can be no difference of opinion as to the reason for them. These stipulations were inserted upon the express request of the Indians that they should be permitted to live by themselves, and while thus living regulate their own affairs, and that white people should not be permitted to "obtain a lodgment there." The treaties imply a promise on the part of the Indians to live by themselves, as certainly as they contain a promise on our part that they should be protected against the intrusion of whites. The letter as well as the spirit of these treaties was to secure to the Indians exclusive occupation of the country for the equal benefit of all members of the tribes, and self-government in their isolation. Neither party ever contemplated a continuance of the tribal or Indian governments when a few should have appropriated all the land and when white people should by invitation of the Indians have come to "secure a lodgment" and out-number the Indians four to one. Nor can it be supposed that it was intended that these Indian governments should be perpetuated when they no longer answered the purpose of government either for Indian or white.

Great changes have taken place since the original negotiation of these treaties. The country to which those Indians removed was then a thousand miles beyond the westernmost limit of civilization. Its adaptability to civilized life was probably unsuspected. The Indian then lived largely by the chase. The buffalo and antelope were to be found on the plains; other large and small game in the hills. It was an ideal hunting-ground. No one looked forward to the time when wheat, corn, and cotton should be raised there for shipment to different States and foreign countries; when seven railways should traverse the territory, and twenty thousand miners should be engaged in bringing its underlying coal to the surface; when three hundred thousand white people should reside there with the consent of the Indians; when towns and cities should spring up as if by magic; when the telegraph and telephone should connect it with the outside world, and the requirements of modern business enterprise should grow more pressing day by day. The desert has blossomed; the wilderness is under cultivation. The new conditions must be confronted and dealt with. Five separate Indian governments, dealing only with Indian citizens and their property, are no longer adequate, or, indeed, tolerable. There must be government there for whites as well as for Indians, and it must be adapted to the wants of both.

The presence of so many white people in this Indian country needs explanation. Laws have been passed by each of the Indian governments which permit Indian citizens to secure the use of as much unoccupied land as they may choose to appropriate by fencing or other method of occupancy. Complying with the letter, but in violation of the spirit, of these laws, immense tracts of fertile land have been appropriated by individual Indian citizens. In such appropriation, the white man, who has become an "Indian" merely by intermarriage, has taken the land until at the present time it may be said with approximate accuracy that less than five hundred Indian citizens, a large proportion of whom have not a drop of Indian blood in their veins, have secured and occupy nine-tenths of the agricultural and grazing land of the country. Sometimes occupancy is secured by fencing, sometimes simply by ploughing a furrow around the tract. Some of the holdings thus secured by white "Indian" citizens exceed 100,000 acres in extent. In the Creek Nation sixty-one persons have thus appropriated and hold 1,237,000 acres, practically all the valuable arable and grazing land belonging to the nation. This is perhaps the most glaring illustration of land monopoly prevailing there, although among all the tribes it is true that a few persons have acquired and are holding most of the valuable land.

Very few full-blood Indians, if any, are among these great landholders. The white Indian has been the most rapacious. The mixed bloods have engaged in this wholesale appropriation to some extent. As a rule, however, the full blood and most of the mixed bloods are practically shut out from the occupancy of the land. The trust created by the conveyances from the United States to the Indians, under which the lands were to be held in common for the equal benefit of the members of the tribe, is thus utterly disregarded.

To cultivate these immense holdings, tenants are required. The land monopolist, therefore, rents his holding in sections to white farmers, or in the "nations," where renting is forbidden by law, resorts to the fiction of employing white laborers, and the Indian councils or legislatures issue permits for the white laborers who thus come to occupy the land held by the white or half-breed Indian landlord.

Probably nowhere else in the world since the time of the feudal barons has there been a condition of society demanding reformation equal to that now demanded in the Indian Territory. As might be expected, the Indian citizen landholders control the Indian governments absolutely, and no law can be passed in Indian legislatures interfering with their greed; and any law which they

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desire enacted for their benefit is secured either by appeals to prejudice, by threats, or by open bribery. The landholder has thus acquired his holding without cost to himself, and is as secure in its possession under the present *régime* as if he had a patent from the United States.

The full-blood Indian, as a rule, is poor, shiftless, and ignorant, without ambition and without opportunity. He cannot acquire any land beyond a miserable holding of an acre or two in the mountainous country. The opportunities for further development and civilization are absolutely denied to him, while his patrimony is absorbed by the rapacious white Indian or half-breed. In every particular the progress of the full-blood Indian has been arrested. He is not advancing, he is retrograding.

Modern observation and thought have reached the conclusion that allotment of land in severalty, and citizenship, are the indispensable conditions of Indian progress. Neither one is possible while the present Indian governments continue. The share of the common Indian has been as truly stolen from him as if he had been driven off the land by white men. There will never be a division and allotment until Congress shall take the matter in hand and compel it; and the longer this is delayed the greater is the probability that justice will never be done the Indian.

When the Dawes commission went to the Territory to negotiate for allotment it is believed that a majority of the members of the different tribes desired it, but they were soon given to understand that it would not be safe to advocate it openly. When a delegation, which came in fear and trembling to say to the commission that they hoped the land would be allotted, was asked to sign a petition to that effect, the reply was: "We can't do that; it lightens behind the trees at night."

The fact is, these so-called Indian governments are failures. They are controlled absolutely by the few Indians who have acquired the lands in the manner described. They are not Indian republics; they are white oligarchies. The purchase of legislatures, of courts and juries, and of the entire civil and criminal administration, is open and unblushing, and virtually undenied. The Indian governments no longer protect life, liberty, and property. There is good authority for saying that during the past year there have been over two hundred and fifty murders committed in the Indian Territory by and among Indians, who, including negro citizens, do not exceed 67,000; yet not a half-dozen murderers have been punished, and in a great majority of the cases proceedings have never been instituted. In an Indian newspaper just received, among the news items there is this allusion to the situation showing as perhaps nothing else can how cheaply human life is regarded among the Indians. The item reads: "There is altogether too much killing in the nation."

It is to be observed that the white people living in the Territory are entirely without government. They have no part in the Indian governments, nor can the Indian governments make laws for them. They cannot vote, they cannot have municipal organization, they can have no school system, no public construction of roads or bridges, no taxation, and none of the privileges and responsibilities of American citizens. In the white towns some voluntary schools for white children are maintained; but in the agricultural localities there are no schools, and the white children are growing up with positively no teaching. As a consequence of this unsettled, unorganized condition of society, the country is a resort for desperadoes and refugees, and crimes and depredations are rampant.

This statement of the situation of affairs, not exaggerated but rather understated, shows that there must be a change of government there; that the Indian governments are no longer adequate or useful. The stipulations in the treaties made with those Indians that they should be permitted to govern themselves, and that white people should not be allowed to dwell among them, are no longer obligatory. The moral obligation to keep the letter of a treaty ceases when the reason for the treaty no longer exists and the other party to the agreement has failed to carry out the original purpose and spirit of the treaty. That the reason for the guarantees on the part of the United States no longer exists is unquestioned; that the Indian governments no longer hold their lands for the equal benefit of the members of their tribes is equally undeniable.

Has the United States no duty to perform in such a state of affairs? Was it absolved from every duty and obligation to protect and secure the welfare of the Indians belonging to those tribes when by treaty it agreed that they might govern themselves in their desired isolation? Was it absolved from all obligation to protect white citizens who might be invited into that country by the Indians themselves and to provide for their welfare?

Our obligation to the Indian demands that we should secure for the common Indian of those tribes his rights now denied to him, and give him the opportunity for advancement in civilization and happiness. Our obligation to the white citizen of the United States, whom the Indians have encouraged and invited to dwell among them, demands that we should take such steps as will secure to him the reasonable rights and privileges of citizenship.

The situation is rapidly growing worse. If Congress may not act when 300,000 white people are domiciled there, it will have no better right to act when there are a million white people there. Unless something is speedily done, a condition of things will soon be developed which will shock our whole people. The problem is so complicated that it is impossible within the limits of this article to discuss the best method of reform and relief. One thing is certain—whatever is done must be done by Congress. The white men, who going through the farce of Indian marriage have become Indian citizens, and the half-breeds have already despoiled the real Indian of his land. The Indian legislatures and courts are the creatures of the land monopolists, and the longer Congress postpones the work of securing to Indians and white men alike their just rights in the Indian Territory, the greater will the injustice and wrong become, and the more difficult the enforcement of a remedy. □

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Hamlin Garland

1902

Garland was a novelist and fiction writer who won a Pulitzer Prize in 1922. His 1902 book, The Captain of the Gray-Horse Troop, *dealt with the unjust treatment of the Indians.*

The Red Man's Present Needs

INTRODUCTORY NOTE

In my wanderings over the Rocky Mountain States, I have happened upon some twelve or fifteen Indian reservations. This unofficial inspection, made for fictional purposes, I now wish to turn to practical account in aid of a clearer understanding of the present conditions of the nation's wards. I am not to be taken as the representative of any organization whatsoever, and I have never held, and never sought, and do not intend to seek, any position under the government. Perhaps this freedom from departmental bias may lend a certain value to my statement of what I saw and what I think should be done. A part of what follows is necessarily critical, but its main intent is constructive. I do not doubt the good intention of the Indian Department; on the contrary, I believe its head to be sincerely anxious to clear the service of its abuses. What is here written is intended to aid rather than embarrass the Commissioner in getting rid of his inheritance of foolish policies.

It is necessary at the start to clear away the common misapprehension that "one Indian is precisely like another." This is not true. On the contrary, there are very wide divergencies of habit among the native tribes now living in America. Red men living side by side are as widely separated in speech and in manner as the Turk and the German. There are, indeed, two or three distinct races of Americans included under the term "Indian," speaking many languages quite distinct and irrelatable.

The second point to be grasped is this: There are no Indians living as nomads or hunters to-day. If the reader will examine a map of the United States Indian Department, he will find, scattered all over the West, minute, irregular patches of yellow, ranging from a thumb-nail's breadth to that of a silver quarter. These are the "corrals," or open-air prisons, into which the original owners of the continent have been impounded by the white race. Most of these reservations are in the arid parts of the great Rocky Mountain Plateau; a few are in timbered regions of older States, like Wisconsin and Minnesota. Speaking generally, we may say these lands are relatively the most worthless to be found in the State or Territory whose boundaries enclose the red man's home, and were set aside for his use because he would cumber the earth less there than elsewhere. Furthermore, scarcely a single one of these minute spots is safe to the red people. Every acre of land is being scrutinized, and plans for securing even these miserable plots are being matured.

It will appear, even from a glance at this map, that to understand the "Indian problem," is to understand the climate, soil and surroundings of each one of fifty reservations, in a dozen States, hundreds, even thousands of miles apart, and to take into account the peculiarities of as many differing tribes of men. A rule which would apply perfectly to the Cheyennes of Oklahoma would not in the least apply to the Cheyennes of Montana, but might aid the Wichitas, Kiowas, or Fort Sill Apaches, not because the latter tribes are similar in habit, but because their soil, surroundings, and climate are practically the same.

The Sioux, Crows, Northern Cheyennes, Blackfeet, Gros Ventres, and Assiniboines, occupying respectively the Standing Rock reservation in Dakota, and the Crow, Tongue River, Fort Peck, Fort Belknap and Blackfeet reservations in Montana, are all in an arid climate and confronted with the problem of irrigation.

The Blackfeet, also a hunting race, have a land even less adapted to the raising of corn and wheat; for their reservation lies high on the eastern slope of the continental divide, and frosts blast both the growing and the ripening crop. They have, however, a good grass country and can be made self-supporting as herders. The Fort Peck reservation, in eastern Montana, on the upper Missouri, like the land at Standing Rock, Dakota, is upland prairie, with meagre streams and poor timber, a dry bleak land, fit only for stock-raising, except along the bottoms, where irrigation is possible.

The Crows are a little better off. They have abundant water from two beautiful streams, which take their rise in the Big Horn mountains; and they have put through some fairly successful irrigating ditches. They have also owned for several years herds of cattle; a cut in rations would not leave them helpless. The Northern Cheyennes, their neighbors, are in a rougher country, a very arid country, with only a few feeble streams, but they have plenty of timber and good grazing lands. Their chief needs are cattle, and a fence to keep out the cattle-men.

The Sioux, the Blackfeet, and the Northern Cheyennes live practically the same life. They have small, badly-ventilated log or frame hovels of one or two rooms, into which they closely crowd during cold weather. In summer, they supplement these miserable shacks by canvas

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tepees and lodges, under which they do their cooking, and in which they sleep. Their home life has lost all its old-time picturesqueness, without acquiring even the comfort of the settler in a dug-out. Consumption is very common among them, because of their unsanitary housing during cold weather.

They dress in a sad mixture of good old buckskin garments and shoddy clothing, sold by the traders or issued by the government. They are, of course, miserably poor, with very little to do but sit and smoke and wait for ration day. To till the ground is practically useless, and their herds are too small to furnish them support. They are not allowed to leave the reservation to hunt or to seek work, and so they live like reconcentrados. Their ration, which the government by an easy shift now calls a charity, feeds them for a week or ten days, and they go hungry till the next ration day comes round. From three to seven days are taken up with going after rations. These words also apply to the Jicarilla Apaches, and to a part of the Southern Utes. Chief Charley's followers have lands along Pine River which they irrigate. On some of these reservations lands are allotted, either actually or nominally, though the people make less account of it than the agent reports.

The visitor among the Southern Cheyennes, Arapahoes, Kiowas, and Fort Sill Apaches, will find conditions quite other than those of the North. The climate is mild and the land very productive. Corn, cotton, fruit of all kinds, and wheat can be grown. The winters are short, and water and timber fairly abundant. With the exception of the Yakima and Flathead reservations, those in Oklahoma are the only really habitable Indian lands I have visited. Manifestly, a regulation which would do good in Oklahoma might work incalculable harm in Dakota and Montana. To cut rations among the Southern Cheyennes would prove only a temporary hardship; but a cut in rations among the Blackfeet or Sioux might result in actual starvation and death, or at least in slaughter of the small flocks of cattle which they have begun to cherish. These wide differences cannot be too often brought to departmental notice.

Upon close study, each tribe, whether Sioux, or Navajo, or Hopi, will be found to be divided, like a white village, into two parties, the radicals and the conservatives—those who are willing to change, to walk the white man's way; and those who are deeply, sullenly skeptical of all civilizing measures, clinging tenaciously to the traditions and the lore of their race. These men are often the strongest and bravest of their tribe, the most dignified and the most intellectual. They represent the spirit that will break but will not bow. And, broadly speaking, they are in the majority. Though in rags, their spirits are unbroken; from the point of view of their sympathizers, they are patriots.

There is much to admire in this unconquerable pride. I count it a virtue in that Northern chief who said: "I will not clean the spittoons of the white man's civilization." Hatred of tyranny is a distinctly American attribute, and one that deserves honorable consideration on the part of the department. Only those who are besotted with the wine of our cruel and uneasy civilization will condemn rankly and contemptuously the love of liberty, no matter whether in the heart of a brown man or of a red man. There should be some way to conserve and turn to account the lofty pride of the Sioux and the Cheyenne. When they lose their self-respect, they will sink to vagabondage and beggary; to break them is to destroy them. Science has come to our aid; we understand as never before the constitution of a red man's mind. The philosophy of evolution has broadened our conception of the universe, and in our dealings with primitive men religious bigotry and race hatred should no longer enter. The greedy man, on the one hand, and the fanatic, on the other, have too long confused the situation for the Indian.

The allotment of lands in severalty which began in land-lust and is being carried to the bitter end by those who believe a Stone Age man can be developed into a citizen of the United States in a single generation, is in violent antagonism to every wish and innate desire of the red man, and has failed of expected results, even among the Southern Cheyennes, where the land is rich and climate mild, because it presents a sombre phase of civilized life.

The attempt to make the Sioux a greedy land-owner, content to live the lonely life of the poor Western rancher, cut off from daily association with his fellows, is to me uselessly painful. If we would convert the primitive man to our ways, we must make our ways alluring.

We should not forget that the red man is a sociable animal, and that his life, so far from being silent and sombre, has always been full of song and rich in social interchange. All his duties—even his hunting—have always been performed in company with his fellows. He is a villager, never a solitary. He dreads solitude, and one of the old-time tribal punishments was to be thrust outside the camping circle. The life of every member of

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the tribe is open to comment. He confides every secret to his group of lodge-men. He shares his food, his tepee, with his fellows. It is this gregariousness of habit, this love of his kind, and this deep-seated dread of loneliness, which make the Sioux and the Cheyenne so reluctant to adopt the Dawes land theories. They cling to the lodge for the reason that it can be easily moved, and is cheap.

Naturally, those who were resolute to make the Indian a solitary took little thought of this deep-seated mental characteristic, being confident that resolute whacking would jar his brain-cells into conformity with those of a white man of the same age. With them the red hunter is not a man peculiar to his environment; he is merely a bad boy who obstinately goes wrong. That he loves running water, that he needs to be near wood for his fires, that he shrinks from the bleak, wind-swept prairies, are considerations of small account to them; but a man with many years experience among the Cheyennes said to me: "It is hard to make progress under the present system."

In the desire to make better Indians, and to make the transition from their old life to the new as easy as may be, to lessen rather than to add to the weight of their suffering, I offer the following suggestions:

First. Group the families of each tribe on the water courses of its reservation, in little settlements of four or five families, with their lands outlying, instead of forcibly scattering them over the bleak and barren uplands. The Standing Rock Sioux, Northern Cheyennes, and Assiniboines of Forts Peck and Belknap, could all be so colonized, and water drawn in from the streams upon their gardens,* while their cattle range in common. Why should not the Southern Cheyennes and Arapahoes, already on allotments along the streams, be allowed to draw together in villages if they please? The Northern Cheyennes, now in full possession of their streams, should retain these water rights in common. Individual occupancy of lots and individual ownership of products is all that is necessary to their colonization on the arable and irrigable land. Cattle of gentle breed should be given to them as the beginning of individual herds. The red man's feeling that the earth is for the use of all men, is right; he has always distinguished between the ownership of things and the ownership of land and water. It is possible to refine him without teaching him to be either greedy or stingy, just as we can emphasize the return to individual labor without forcing him to live as if in solitary confinement. I confess I have no sympathy with those who would make the red man suffer needlessly to fit their notion of discipline. As a boy, I hated the solitary labor of the Western farm, and I would not condemn even a convict to such life as is involved in a lonely cabin on the plains.

Second. Each reservation should be divided into districts, not too large, and a really competent man employed to personally teach the red men how to plow, sow, and reap. This essential part of the service is sadly inefficient. The "farmers" of the various agencies I have visited, are either ignorant or slothful, or they are so burdened with duties around the agency corrals, that they are hardly ever of marked use to the red men. The present working of the Civil Service has led to a vicious habit of "transferring" a bad or weak man from post to post. Furthermore, the employees in many cases are hold-overs, men who sought the service as a refuge and who remain in it because they are unfitted for other life. I am willing to admit, however, in justice to the department, that the pay is too small to secure the services of a really capable man, unless he assumes double duty, as among the Southern Cheyennes, where the farmers serve as sub-agents, or school superintendents, and have little time to give to field work. Part of the useless travel in this work of superintending would be removed by settlement in groups as above outlined, but an increase in the number of industrial teachers must be given before adequate instruction can be assured. The government would save money in the end.

Life at most of the Indian agencies is not a joyous thing to contemplate. The buildings are bare, bleak barracks. The boarding-houses are vile, and amusements are few. It is not wonderful that refined natures shudder and flee at first glance. Only the chain of necessity keeps the average employee to his post. The Indian soon becomes a burden, a nuisance. Duties are mechanically performed, and each man permits his hand to fall short rather than to over-reach his exact duty. The effect of such service is not precisely inspiring to the Indian. The only ways to change this service are these—raise the standard of wages and make life pleasanter for those who isolate themselves to teach.

Third. A vigorous, wholesome woman is needed in each district as matron. She ought not to be the wife of the farmer; her first duty should be the welfare of her wards, and she should have a genuine sympathy for them. As I go among the red people, the lack of a matron of this character seems the most crying omission of all. I have never seen this work properly done. It is, indeed, a sort of higher education. The women need to be taught by example how to cook and sew, how to keep house, how to bridge the chasm between the tepee fire and the cook-stove. The red people are like children in all these things; they cannot go beyond their teacher; they can only follow. If their "farmer" is ignorant and a loafer, and their matron slothful and ill-humored, they are involved in these vices. They are like children, also, in that each effort is quite sincere, though fitful. They are easily discouraged. They can reason, they do reason, and they want to do the right thing; but the mental habits fixed by thousands of years of a simpler life are hard to overcome. The man or woman called to teach them should be

*The farmer at Poplar Creek two years ago showed me a garden of nearly one hundred acres which he had set aside in lots to some sixty or eighty men; and, though the season's water had been very meagre, he had been able to supply these families, through their own labor, with potatoes for the winter. He did more. He demonstrated that these people, with water for their lands, could be self-supporting in three years by means of a ditch costing not more than $50,000.

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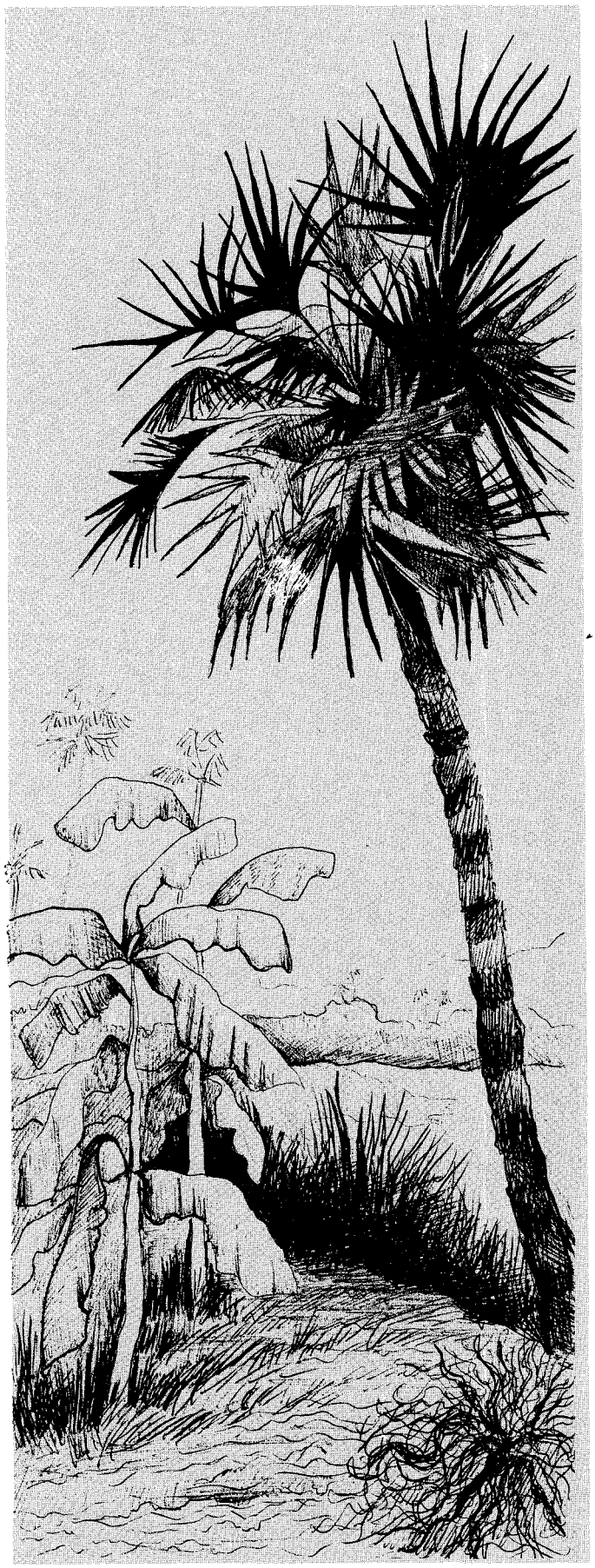

patient and a leader. It is not true to say that this work is being done in the schools. Working in "relays" in the laundry or kitchen of a boarding-house is quite different from taking care of a home after marriage. The field matron is needed to supplement the instruction in the schools.

Fourth. Wherever a tribe has a peculiar natural appetite for an art—as canoe-building, weaving, basket-making, or pottery-baking—the department should send among them a teacher capable of rescuing perishing forms and symbols, and able also to develop new forms built upon the old. The Jicarilla Apaches, for example, are fine basket-makers. This art, in place of being ignored or positively discouraged, as at present, should be at once seized as a means of benefiting the tribe. The growth of grass, willows or other material necessary for it should be cultivated and a market opened on just terms. *The value of such an art in maintaining the self-respect of a tribe cannot be over-estimated.* The Rev. W. C. Roe, a missionary at Seger's Colony, Oklahoma, is of the sort I can commend. He is employing this month seventy men and women making bead-work, tepees, bows and arrows, moccasins, and ornamental pouches—and what he has done can be duplicated by the agents and missionaries of other tribes. The Navajo blankets and silver-ware, the Hopi and Tewan pottery, the Chippewa canoes, are all in demand, and the art of making them should be fostered. Life on most of the reservations is a grim contention against wind and sun and bare brown earth. Each condition should be minutely studied, and every favoring law seized upon. Whenever an industry can be developed along inherited aptitudes, it should be done.

John Seger, who has been for many years a friend and teacher among the Arapahoes and Southern Cheyennes, pleads for an Old Folks' Home near his school, where the old people could spend the rest of their lives in peace near their grandchildren. They will not last long, but we cannot afford to let them suffer. Under Seger's plan a great part of their food would be raised in a garden, and they could be employed to teach their native arts to the young people. The licensed trader is a survival of the old rule and should be abolished. His monopoly is intolerable. Under the single restriction that no liquor should be sold, competing stores should be welcomed on each reservation, in order that the red man may sell his product to better advantage, as well as supply his needs at the lowest possible cost.

Fifth. Schools should be established in each "farm district," which should be at once boarding and industrial schools, like those at Colony and Red Moon, Oklahoma, and these schools should displace all sectarian and non-reservation schools whatsoever, and all forcible transportation of pupils to Eastern schools should instantly cease. The theory that to civilize the red man it is necessary to disrupt families and to smother natural emotions by teaching the child to abhor his parents, is so monstrous and so unchristian that its failure was foretold by every teacher who understood the law of heredity. The school should raise the parents with the child. Instruction should

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be most elementary, as it is at Seger, at Darlington, and at Red Moon, among the Southern Cheyennes. In these schools, the child is taught to grapple with the conditions of life on his own reservation. He is taught how to mend a harness and put it on a horse, not how to make a wagon; how to plant potatoes, not how to conjugate a Latin verb. After he has acquired the power to read and write and speak colloquially (which the Carlisle Indians I have met seldom do), he is taught the value of money, and sufficient arithmetic to enable him to transact the business of a herder or farmer. But admirable as this is, there are other possibilities. Wherever white and red are mingled as settlers, I would educate them in the little red school-house together, and this can soon be done in some parts of Oklahoma. In any case, the education should arm the child for his battle for life and should not alienate him from his people. "Honor thy father and thy mother," is a command which the red children implicitly obey, until they are taught that everything their poor old parents do is vile.

Sixth. The missionaries in the field should be given to understand that they have no more rights in the premises than any other visitor, and that their attempt to regulate the amusements and the daily life of the red man is without sanction of federal authority. Many of the missionaries I have met are devoted souls, but I would not care to live where they had power to define what recreations were proper and what were not. Their view of "profane" songs and pleasures is absurdly narrow and (to put it mildly) inelastic. They do not represent the culture and scholarship of our day; and while I appreciate their motives and their sacrifices, I cannot but observe that they are often an embarrassment to the agent and sad examples of narrow piety. In the interest of their own influence, I would urge all Eastern Missionary Societies to at once impress upon their representatives on the reservations the wisdom of assisting in the preservation and development of the native arts of the tribe with which they are associated. This they can do with very little money, by inducing all the old men and women (who are the fast fading representatives of these arts) to instruct their sons and daughters, nieces or grandchildren, in silver-smithing, basket-making, blanket-weaving, or whatever form of work they know best. The parent society could also form itself into an agency for the sale of wares, being careful to keep the advice of accredited authorities on art in order that the product may not lose vogue by becoming cheap and characterless. Mr. and Mrs. Roe, of Seger's Colony, Oklahoma, are examples of missionaries with larger aims than merely making converts. Mr. Roe's influence is not due to his preaching of dogma, but to his kindliness and helpfulness as a man and brother.

This industrial side of the Indian problem fits in just now with the revival of handicraft so strikingly general throughout the nation, and it may be that in it lies a very considerable means of aiding the red man, as he painfully crosses the gulf between his old warrior life and his life as a cattle-herder and gardener. He cannot be cut off from all his past; progress is not of that nature; it proceeds by slow displacement, by gradual accretion. Above all, the red man must feel that he is worth while, that he is a man among men—different, but not despicable because different. We should try to make him an admirable red man, as Booker Washington is trying to make the negro an admirable black man.

Seventh. Wherever a red man takes his allotment, he should be considered a citizen, free to come and go as he pleases, subject to the same general laws as his white neighbor. He should be allowed to visit other reservations and inter-marry with other tribes; he will never intermarry to any extent with the whites; he ought not to do so if he could. Under this new condition, the agent will no longer be the commander, but the friend, the adviser, the attorney; his authority will depend on his judgment, his tact, his helpfulness.

The present condition of the allottee is an anomalous one; he is neither man, brute, or neighbor. He is told by the Commissioner that he is free to do as other men; but when he seeks to leave the reservation he is ordered back by the agent. He is forbidden to visit in numbers exceeding five or ten; he is ordered not to dance, and admonished to wear his hair short. He is told that he must not use paint on his face, and a hundred other useless indignities and restrictions are put upon him;* and, if he protests, he is told that so long as he eats the rations of the government he must obey the agent; and yet these rations are not only his necessity, they are his due. I have sometimes felt that the red man is the most patient and long-suffering creature in the world. Those who cry out against "pauperizing" him by means of rations have little comprehension of the barren lands he inhabits, and the necessity and the justice of his allowance.

The allottee should be made a citizen in truth, subject to punishment when he goes wrong, free to dress as he pleases and live as he pleases, so far as forceful change is concerned. He should be encouraged to live better, to dress in keeping with his fortunes. Religious bias should no longer control him. His rights as a man should be

*The general effect of the legislation suggested by those who would convert the man of the Stone Age into a "Christian citizen" is something like this:

"You, Whiteshield, will at once leave your pleasant camp in the grove beside the Washita and take yourself to your home-quarter. You will at once give up the tepee and all your skin clothing. You will put off your moccasins and take to brogans. You will build a hut and live therein. You will have your hair cut short, and give up painting your face. You will cease all singing and dancing. Every form and symbol of the past is vile—put them away. You will send your children to school—even the little ones of five must go. Smoking is expensive, and leads to dreaming—stop it. To do bead-work or basket-weaving is heathen; your wife must abandon that. You will instantly begin to raise pigs and chickens, and work hard every day, because it is good to work. In order that you may know how sweet it is to live the life of the white farmer, you may go to church on Sunday and hear a man talk in words which you do not understand, and sing songs which white people sing when they have nothing better to do." This reads like caricature, but I assure the reader it is only a condensation of the suggestions made in my hearing by kindly people who believed themselves to be Christians.

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"'I do not fear the man in the fields with his plow,' said a Cheyenne to me; 'but the man on the horse who rides and shoots, him I fear.'"

respected. I have no sympathy with those who would "break" the head man and discredit every native amusement, turning the tribe into a settlement of joyless hypocrites. The zealots who preach this are themselves losing power in the world. What sort of village would that be where sombre fanatics could regulate the amusements and the education of the citizens? A people must have play; and, until the young red men and women come naturally to enjoy baseball and the Virginia reel, the government is in cruel business when attempting to force relinquishment of native songs, games and dances.

Finally. The question of abolition of reservations comes up, and is advocated by those who would teach the red man to farm, as you teach a puppy to swim by flinging it into the river "Let them sink, or paddle and keep afloat," they say, but to let down the bars on some of the reservations would be to submerge the tribe utterly and render it homeless. The reservation is still an "isle of safety" to the Northwest tribes.

Moreover, we must never forget that what is true of one reservation is not true of another. In Oklahoma, the settlers and the Cheyennes and Arapahoes are about to mingle peaceably, for the reason that "the horseman with a gun," the cattle-man, is passing away, and the peace-loving farmer is taking his place. "I do not fear the man in the fields with his plow," said a Cheyenne to me; "but the man on the horse who rides and shoots, him I fear." In this remark is much enlightenment. Wherever the lands are generally arable, and the settlers are bent above plows and spades, where peaceful homes are being established and district schools built, there the lines of the reservation can safely give way. But to let the predatory cattle-men in on the reservation of the Northwest is to open the gate to trouble and corruption. The Cheyenne range should be fenced rather than leased or laid open to outside stock.

The cow-boy is a picturesque citizen, but he does not make for sweetness and light. He is not as lawless as he once was, but he is not even now an inspiration to a race struggling to acquire sobriety and thrift. Nevertheless, he has been for forty years the chief exemplar of the white man's civilization—so far as the red men were aware. Our agents have been mainly unmarried men, living as in a barrack, offering little in way of domesticity to the eyes of the tribes they ruled. They were not all corrupt, but they were sojourners; they made no homes among the Indians. The female teachers and most missionaries are also solitaries, with repellent notions of man's duty to God and their own duties to the redskin. Speaking generally, it is safe to say that the red men and the red women have had very slender opportunity to learn of the ways in which the industrious, peaceful, kindly American farmer and his family live. The Ute, the Cheyenne and the Crow came in contact only with the ragged, filthy fringe of our civilization.

But the cow-boy, the "scout," the lawless trapper, the "lonesome men," are passing away. As a novelist, I am sorry to see them go; as a well-wisher of the red men, and as a believer in decent speech, sobriety and kindly living, I am glad of the cow-boy's diminishing hoof-beats. He carries with him something fine, but his room is better than his presence when all is said and done.The ranchers of Oklahoma to-day are farmers, as they should be, paying for their grass and building homes for their wives and children—men who realize that protection lies in law, not in violence; they will make it a point to dwell in peace with their red neighbors.

Therefore, I would abolish the reservation line in Oklahoma, but I would retain it for the present in Montana. Instead of trying to "break the power of the chiefs," I would use them to influence others less able. The agent can do much to discredit a head man, but he cannot rob him of any genuine influence he may have, for among the red men of a reservation, as among white people in a community, there are those who are natural leaders, who are orators, with the power to convince and lead.

There are not wanting those who say cynically: "Why take all this trouble? There are only a couple of hundred thousand of the redskins; let 'em die!" To such words we reply: As a nation, we can't afford to rest under the stigma of inhuman cruelty. These red men are on our conscience and cannot by any easy shift be put away. They are survivals in our midst of the Stone Age; they are not to blame for their inelasticity of habit; moreover, they have many admirable qualities. We are answerable for them, just as we are answerable for the black man's future. As the dominant race, we have dispossessed them; we have pushed them to the last ditch—which will be their grave, unless we lay aside greed and religious prejudice and go to them as men and brothers, and help them to understand themselves and their problems; and only when we give our best to these red brethren of ours, do we justify ourselves as the dominant race of the Western continent. □

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Frances Campbell Sparhawk

1906

Ms. Sparhawk was a Maine short story writer and novelist. Appalled by the reservation system, she here ponders ways and means of educating the Indian to join a white society.

The Indian's Yoke

What concerns us to-day is to find out what is the matter with the Indian, what keeps him from assimilating with his surroundings, why we cannot absorb two hundred and fifty thousand Indians into all our millions and never know where they are, any more than we can give the whereabouts, racial or national, of the thousands upon thousands of immigrants who come yearly to our shores, some of whom in coming know little, if any, more of civilized life than the Indian. We have treated our immigrants in the American way, a method that for liberality and kindness and success has no parallel. With the Indian we have been quite different. It is time to ask why the peoples of all other nationalities and races at once grow into manhood on our shores, while the native American bears the stigma of perpetual childhood. What yoke is the Indian bearing which stunts his natural growth? Why are all other peoples men, and why is he not a man?

To make the question still more pertinent, there are fifty-eight thousand Indians living now among white people, supporting themselves, welcomed by their white neighbors and at ease in regard to the race problem which for them has been settled in the American way, as it always is for individual Indians; these are in their natural surroundings, the places to which business or inclination has directed them. It is only the abnormal, reservation Indians, neither savage nor barbarous according to their original condition, nor allowed to grow into civilization naturally and wholesomely, with whom we are concerned.

The reservation system in its inauguration was a makeshift. "I don't want to have meat thrown to me as to a dog," said a proud Indian whose education had taught him something better.

We should have had sympathy for the occasional breakings forth of the Indians from their reservations as long as the warpath was open to them. For, if the most delightful city in America were to be walled up to heaven and the inhabitants told they they *must* live in it, that city would immediately turn into a hotbed of rebellion, and the rest of the land would applaud. General Morgan said rightly that Indian nature was "human nature bound in red."

Imagine everything opposed to all that is American or modern in detail, and especially in principle, and you have an Indian reservation. Go through the streets of a city, wire your business partner at the other side of the world, send a wireless message from mid-ocean to shore, talk through the telephone a thousand miles as if to your next-door neighbor, then consider what the superintendent of an Indian school on an Indian reservation said a few years ago in gratitude for illustrated papers sent to the pupils: "These children have no means of knowing what civilization means except through the pictures of it." What an expensive way of educating, and what necessarily meagre results!

Use the liberty of an American citizen with voice and pen, guide your own affairs in your own way, wisely or foolishly, and stand up and take the consequences, do all those things by which, through storm and sunshine, victory and defeat, one fills out the measure of a man. Then go to an Indian reservation, where there is no American law, but only the rule of an Indian agent, a despot whether cruel or kindly. "It is absurd to talk of teaching an Indian farming," writes a philanthropist who has long been familiar with peculiar conditions on certain reservations; "Indians can teach us. Only Chinamen would work such barren patches as they plant; the white man never tries such painstaking agriculture." But the white man has the land before him where to choose. "When Government gives a new reservation," the writer goes on, "it hampers their individual freedom and initiative in every way, substitutes paternal methods, keeps them in tutelage as now at ——. If each man had his own land, he could work it as other men do."

Thus, by the substitution of other men's rules for his own experiments, of others' views for the sight of his own eyes and the hearing of his own ears — keener eyes and ears than the white man's — of another's will for his own power of choice by which alone he can grow into strength, a power of choice conceded in every free country except in America on an Indian reservation — by all these methods directly contrary to those so successful with our own citizens and with foreigners, do we assume to build up the spirit and strength of American citizenship in the Indian. In this experiment we have learned nothing from the lessons of the ages, nor from our struggles for freedom; we work not at all by natural methods, but by a system compared with which the archaism of the feudal system is modern and applicable. We hold the Indian to be different from every other creature who ever lived in this land or set foot upon these shores. Why?

A generation ago, what did we know about Indian

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reservations? Distance, language, training, everything separated Indians and us; and the reservation walls closed them into huge prisons. To us they were not fathers and mothers, young men and maidens, little children and old men, but "hostiles," savages. Indian education was a vague and unimportant question, a matter of the indefinite future, until a significant incident of the seventies brought it into sudden and ever-increasing prominence.

In 1875, Lieutenant (now General) R. H. Pratt, of the Army, was sent by the War Department with seventy-four Indian prisoners, taken red-handed in war, to the old Fort Marion at St. Augustine. Heavily ironed, they were put upon the train and carried from the country which they had dared to think belonged to them the long journey to Florida. What a revelation the prosperity of the white man's land must have been to them! What could border warfare avail in a struggle with him as they saw him now? Whatever their reflections, despair was at the bottom of them; on the way they sang their death-songs, and one chief succeeded in escaping the white man's expected tortures by suicide.

But when in the old fort at St. Augustine the irons were stricken from their limbs and they were told that they would be treated according to their future good behavior, they were amazed; such a foe was beyond their comprehension.

Said Captain Pratt in his report of these Indian prisoners:

> "I soon dispensed with the military guard and trained them to guard themselves, which they did for two and a half years with absolute trustworthiness. They were put to work. Not only were they taught and occupied within the walls of the fort, but a considerable number were placed out at various forms of labor, such as two in a sawmill, one as baggageman on a railroad, a number as orange-pickers, others at rowing and sailing boats for tourists, while five accomplished a job of grubbing five acres of dense palmetto land which negro laborers, though well paid, had twice abandoned. Such was the success of this work that a protest to Congress from the laboring element of the community was made because of the competition resulting."

He opened a school for his Indians, and the ladies of St. Augustine volunteered as teachers. So, by labor, by discipline, by instruction, by kindness, by amusement, by religious teaching emphasized by the treatment they were receiving, the time was made profitable to those Indian prisoners at the old fort.

When the three years of imprisonment came to an end, the young Indians had so much enjoyed their experiences that they begged to be allowed to stay at the East and be educated.

This, we know, was not only the beginning of the Indian contingent at Hampton and the occasion for the opening of the famous Carlisle Indian school; but its reflex action opened reservation and non-reservation schools all over the West. And when General Morgan became Commissioner, the Indian schools of every class were revised in curriculum, improved in personnel and increased in number. His administration was an advance in Indian education.

The experiment at St. Augustine had proved that Indians fresh from savagery can and will work, under proper conditions, so effectively as to enter into successful competition with white labor. But such conditions must be present. Even Mr. Rockefeller, with his colossal financial ability, could never have built up the Standard Oil business on an Indian reservation.

At the same time that millions of white youth are being educated in the schools of the country, thousands of Indian youth are being taught the rudiments of literary knowledge, and trained in manual work, trades and occupations. The white youth graduate and return to their homes, and thence go forth to their life-work. These enter immediately into a world of action made ready for them, and requiring their most strenuous efforts to keep their places in it. Parents, friends, teachers, employers, competitors, all nerve them to constant and progressive action. Everything around them stimulates them. If they pause, if they are indolent, the tide of work and progress sweeps by and leaves them stranded. It is not what they have learned in school that makes men of them, but the relentless necessity of continued work along the lines of their training.

And the Indians? They go back to their reservations. These are scattered in more or less extended tracts throughout many of the Western States. They vary much in climate and in the degrees of civilization of the inmates; most of them vary little in industrial conditions. Early in 1905 an agent's wife wrote:

> "The greatest need of our people is work, and they must be helped into it. They are now taught at all the schools to do something; but, when they come back to their homes, there is really nothing for them to do. People so far away think they should work in their homes to better the condition of the family to which they belong; but we who see them and know something of the real life in the home have the greatest sympathy for them."

Indians are always considered in the mass. At one time it was decided by the Government that farming was the thing for the young Indians. But, when these went home full of high hopes, they often had to wait one, two, or even three years to receive from Government the wherewithal to stock their farms. They had no money, or no chance to earn any — on their reservations. We know what it would mean for a young white man to lounge around two or three years after leaving school.

And, the Government having decided that Indians should be farmers, some have small opportunity. The Commissioner's report for 1903 gives interesting items in regard to the land of one tribe divided into many groups. One group it marks "desert land, subject to intense heat, little water for irrigation"; another, "desert land, intense heat, water in abundance." So it goes on down twenty-seven groups, one marked "almost worthless for lack of water, allotted." Fourteen of these groups are recorded as having "no water," or "little water"; much of the land is marked, "desert," some "mountainous," "stock land," "very little farming land." The settlers have succeeded in getting these Indians upon land

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"Imagine everything opposed to all that is American or modern in detail, and especially in principle, and you have an Indian reservation."

too bad for themselves, and some of it, on mountain tops, can be depended upon to furnish regularly only one crop — snow.

Yet, even here, the Indian shows a courage and vitality that should move us to take off his disabilities. The men travel fifty and even sixty miles in search of work, in most instances being obliged to leave their families to shift for themselves meanwhile. The Indian women have always been workers, although in the desultory labor of barbarous life. But now they welcome an industry started among them, and tell the teacher of it that no one ever helped them so much before. "I have taught about one hundred women to make lace," writes this missionary. "I wish you could see the great improvement in the homes of these lace women and in their personal appearance." Poor creatures, they feel the uplift of hope!

This is one of the lace schools for Indian women founded by Miss Sybil Carter and her followers; there are a number scattered through the reservations, and the women have welcomed them with eagerness and have done fine work.

The superintendent of an Indian school writes in July, 1904:

> "I have made about two hundred thousand bricks with Indian labor since the school plant was established. When the large school building was erected the Indians did the excavating, quarried the stone and helped lay it for the first story; they hauled the sand, helped burn the line and attended the masons; they also did a great deal of the painting. Last year I paid out five thousand dollars for the Government for Indian labor; they worked the roads, did excavating, quarried and hauled stone and did many other kinds of work and earned the money as well as the average white laboring man. We have a very respectable building in the school plant built entirely by Indian labor."

Missionaries who have inaugurated a most successful industry on the same reservation write:

> "Our beadwork business is fine, pushing us instead of our hunting for markets. We are building a home for the manager and have money on hand for it; are returning our capital steadily and will soon have plant and business free from debt."

An employee upon a reservation writes:

> "I have tried to find a sale for the work of our women, their own work. One old Indian — an old chief — makes bows and arrows and does it well. He will make all he can sell. I have not been able to keep him busy. I think it is very encouraging to find some of the old ones who will work steadily at anything they can do."

An old Western railroad contractor tells the story of a strike on one of his roads which threatened not only great loss of time, but other disasters. In his extremity he went to the Navajo Indians at hand, and hired two hundred of them at the same rate of wages he had been paying the men who struck — two dollars a day. The Indians took hold and built the road as well as the strikers would have done. Then they went back to their reservation.

"The fallacious idea of bringing the Indian into civilization and keeping him there was made too prominent," says the Commissioner's report for 1904.

> "Saxon and Norman and Dane are we,"

sings Tennyson of our ancestors. And we have been keeping up that policy of political assimilation ever since. This idea quoted above in regard to the Indian is openly borrowed from our successful practice. Why is the "successful" in regard to other peoples "fallacious" when it comes to Indians? "Some schools industriously taught that all Indian reservations were bad," continues this report. It must have been up-to-date schools which taught this doctrine, because at Mohonk Conferences, and all other gatherings of Indian workers, the burning question about Indian reservations has been, "When can they be abolished?"

As to the Indians East and Indians West, there never was any question at all of East and West in themselves, but wholly of reservation and non-reservation influences. All over the country, success in Indian work has come only in proportion as this programme of outside influences has been followed out. Says the Indian Bureau:

> "Many white communities around Indian allotted reservations, or 'sandwiched' among them through purchases of inherited lands, fail to coöperate with the Government in holding up the hands of the educated Indians who have become in the eyes of the law their equals. They appear to be unwilling to protect him so long as the Indian has lands to sell or annuities with which to buy."

"A fair trial of twenty years has been given this theory (of Eastern education) and the paucity of results is amazing," the report, 1904, goes on. Now, a steady rise in Indian educational appropriations means a steady rise in public opinion as to the need of them. Before the advent of the Eastern schools, these annual appropriations were, approximately, $20,000. In 1904, they were $4,000,000. Give us a few more results of similar "paucity." Before the day of Eastern schools and the general knowledge of Indian matters that these brought the public, we were all a good deal like the lady at the Hampton school

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who, when she saw the well-clad children of the red man marching in line, exclaimed, "Why, are these the Indians? Where are their feathers? I don't see any paint." Or, like the visitors at the Carlisle school who, watching the children at play on the grounds, remarked that they laughed just like other people! To us the Indians had remained "hostiles" — strangers, if not foes. But at the schools we saw the children, and our hearts melted. The Indian children before our eyes, and our own perception of their possibilities, have changed our point of view.

With better thoughts came better work. Indian societies grew, and demands for the Indian gained new force. The Indians and we began to get acquainted.

It was very interesting to see, a dozen or more years ago, a young Japanese graduate of one of our colleges stand on the rostrum of an Indian school and claim these Indian pupils as kin to his own race. What does not Japan owe to her practice of sending forth her young men and women to learn how the rest of the world lives?

Another "paucity of results" following the opening of the Eastern schools has been the immense spread of the English language among the Indians, and the consequent opening up of the reservations to the inspection of visitors interested in the cause. From this has come the general cry of friends of Indians for work upon the reservations. The visitors, in their very clothing, have swept in somewhat of the air of American liberty; and the Indians, neither stupid nor indifferent in their search for something better than they have known, have begun, even the poorest of them, to ask: "Why does not Washington send us schools for our children such as the Indians have in other places? Aren't we as good as they? Don't we need them as much?"

It is the reservation Indian whom the white man everywhere detests. But the white man quite takes to the Indian freed from the reservation yoke and walking like a man and a brother. When the Apache Indian prisoners in Alabama were found to be suffering from the climate, and it was mooted that they should be removed to some other locality, State after State sent in its protest against receiving them. At this very time, farmers and householders in the towns around the Carlisle school, hiring the Indian pupils on the outing plan because these rendered good service, were writing to the school, "If you can, send me an Apache." The reservation Indians, hanging about the Southwestern trains and vending their wares to travellers, are not attractive specimens of their race. But a Pueblo young woman, the protegée of a Government Indian worker, was asked and welcomed into a select circle of young white women in her town. A number of years ago, the principal of the Girl's High School in Boston wrote of two Indian pupils:

> "The very happy relations which seem to subsist between the Misses C—— and their classmates have suggested to me the query, whether any more effective way of teaching Indians and white people to know and respect each other can be devised than the experiment you have tried of bringing young people from the Indian tribes into school association with whites of their own age and sex. Certainly, no more effective way could be devised of disarming the next generation of prejudice against the Indians, and substituting in its place a genuine sympathy and interest. If, in the course of your work, you should hereafter meet with other Indian girls like those now here, I should not think the obligation all on one side if you should place them with us to be educated."

Mrs. Charles Eastman (Elaine Goodale), the wife of the famous Indian physician and author, wrote in 1894:

> "My experience of reservation life has been considerable; and I am fully convinced that, so long as it exists, the escape of the *individual* Indian into a freer environment is his own salvation, and, indirectly, the best thing for the rest of his people. I regret very much that missionaries and other well-meaning persons should *urge* it as a duty upon educated Indians to 'go back and help their tribe.' I think many would probably join a civilized community, if not constrained and hampered in their convictions by those who have assisted them to obtain an education. Cannot people be made to see the unfairness of doing this?"

The following year she wrote:

> "I am growing to feel more and more strongly that it should not be taken for granted that they [the Indians] are to go back to the tribes, but rather the contrary, and that 'missionary work' should not be urged upon them. If any feel really moved to do it, well and good; but I am convinced that, in a majority of cases, there is an unworthy motive beneath all this talk of 'helping my people,' that sounds so well and that they get to feel is expected of them. If an educated Indian can get some sort of salaried position among Indians, it is an easy solution of *his* problem. I want to see more manly, helpful lives lived wholly independent of race applications."

Speaking of their own family life in the community, she says:

> "Absorbed in domestic and social interests, the race problem occupies but little of my thought at present. My best wish for all Indians is that they should come out and do likewise."

"When he returned to his Western home," says the Commissioner's report (1904) of the Indian student, "he was so frequently filled to overflowing with a sense of his own importance that the fall to the old barbarism was easy." But this being "filled with a sense of his own importance" is not peculiar to Indian young people.

"A yoke may be gotten rid of in two ways; it may be lifted off, or those who bear it may get away from under it."

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Dame Nature loves youth; she foresees that, in striving to hold his own against maturity armed with wider knowledge and better skill, he will receive many a down-fall before the final triumph; therefore, she has bestowed a genial padding of conceit, by means of which she secures for him that elasticity which, after every overthrow, brings him to his feet again ready to continue his fight against odds. We hear nothing about conceit in the Indians among the white girls in the high school, nor in the supervisor's protegée who has to hold her own with the consciousness that her companions have had more advantages than she. Nor has Dr. Eastman, Sioux Indian as he is, been charged with holding his splendid talents in too high esteem. Nature does not intend that youth shall be sent out among people who do not know as much as itself does. If the Government decided after educating the Indians to send them back to their homes — no, their homes were not the trouble, all students return to their homes if but to start out from there — but to send them to reservations, why did it not fill these places with work, in order to give the young people a chance? Why did it not set the parents at work? For industry is the bridge over which nations and races and ages pass to one another.

What work there is to-day, like many another gain, has come at the urgent call of philanthropic Indian societies and individuals. It is believed that the first exhibit of Indian industries in the country was held in Boston in 1891 by a department of the National Indian Association, and exhibited largely the work of the schools — among this, exquisite lace work.

"Necessity, if not justice," says the Indian Bureau (1904), "has decreed that the Indian must live, for years at least, on these Western reservations and allotments, and he should not get out of touch with his kindred."

Why *must* he live there? Our richest men come from poor country homes; they frequently, and it is to be hoped always, put their parents into comfort, and not seldom they do much for their native towns. But not one of them ever yet did this by getting abroad into the very beginnings of his work and then deserting all his hopes and aspirations in order to live next door to his parents, to help his townsmen. Archimedes believed he could move the world — but not on a short lever. These are the days of long levers. In this age of lightning expresses and ocean greyhounds, and telegraphs and telephones, how funny it sounds to say that one must sit down next door to his parents to keep in touch with them. That idea is a product of the Indian reservation; and the urgency of it lies in the fact that, if it do not conquer, the reservations must go; they can never hold their own against young Indians educated among white men. "I leave magazines and papers in the room where there are three or four policemen on duty at the office," writes the wife of an Indian agent, "and everything is taken up greedily. I am surprised. I would like to have a copy of Booker Washington's 'Up from Slavery' to give to them. I think it would be a great help to a number of our mixed bloods who would read it."

What an obligation Mr. Carnegie would confer on a race if he would only scatter libraries among these young Indians — not large or expensive libraries; and the Board of Indian Commissioners might well secure the placing and oversight of these. No beautiful buildings would be erected to hold these libraries, and no statue would commemorate the giver. But struggling youths would hold his memory in their hearts, and his gifts would put into their hands books of inspiration to strenuous living and a knowledge of how to help others of their race. They are the ones to do it. And they will do it, if we give them the chance — they will do it in the concrete. No Indian may be able to help his tribe as a whole; but every successful Indian may do something for his parents, his brothers and sisters — to say nothing of the dynamic force of his example.

A yoke may be gotten rid of in two ways; it may be lifted off, or those who bear it may get away from under it. The yoke of the Indian reservations is pressed down by the weight of nearly fifty-five hundred employees of the Indian Bureau, over two thousand of whom are Indian, seven hundred of the latter being policemen. Among this army are as devoted men and women as ever labored for the elevation of a race; but these, while doing their best, know that the Indian would fare much better under other conditions. And the fact remains that this army of workers, with its backing of Senators and Representatives and friends, and henchmen of the same, and intrenched in the fort of the Indian Bureau, is the real cause why the Indian must be bent under a weight which keeps him from an outlook over the American continent, why Indian young men must be told where they must live, as no other young men in America are told, and why the law of the land is too good for Indians.

It takes faith in civics to meet a political condition where men are put to attend to other men in the certainty that when these latter become sufficiently informed, the occupation of the former will be over and they will be turned adrift. Such a system has every temptation to perpetuate itself. This is the Indian Bureau — the Indian problem. It has been too much for many good men in it and under it.

But hope comes through the strength of President Roosevelt, once Chairman of the Civil Service Commission, and of our Indian Commissioner, Mr. Leupp, with his fine record of Indian work. Under their administration civil service will become civic service — the power of turning men into citizens. Indian workers will be called upon to produce definite results. Our builders of Indian citizenship have been largely working "by the day."

Mark promptly individual effort in the Indians; encourage, steady and reward it. Give intelligent work of every kind some badge of distinction. "Indians are mechanical," said General Armstrong. They are also artistic. Indian blankets and basketry long ago won fame. The Indians need, most of all, the help of hope and inspiration. Let them grow into citizens under the law of the land, as other men do. Take off the cramping reservation yoke. □

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John M. Oskison

1907

The first NAR writer to concern himself almost exclusively with money matters, Oskison sees the cash distribution of Trust and Treaty funds as solving(?) the remaining Indian problems.

Remaining Causes of Indian Discontent

When the White River Utes left their reservation in Utah recently in angry protest against the Government's allotment of their land, they attracted attention to a vanishing type of discontented Indian.

Only one big distinctively Indian problem — the distribution of Indian Trust and Treaty Funds — remains to be settled by Congress. Others, such as irrigation for arid and semi-arid lands occupied by the tribes, the menace of tuberculosis, the supplying of good day-schools, the blight of the liquor traffic, and the over-reaching arm of the speculator in oil, mineral and grazing lands, are in some measure the problems of all the West. Continued urging by the Indian Office and the friends of Indian progress is resulting in a merger of the tribesman with his white neighbors and a sinking of the reservation problem in the community problem. Nine out of ten "reservation" Indians are self-supporting. Five of these nine are working in competition with white laborers, mechanics, farmers and stock-raisers of the West. The other four are doing work, more or less well, provided by the Government in place of pauperizing rations. Except for the children in Government schools, and the old, sick and infirm, few Indians now live on the direct bounty of Congress.

The Indian as a landholder is familiar, but as a capitalist he is not so well known. Yet there is in the United States Treasury to the credit of some 53,000 Indians of sixty tribes more than $35,000,000. Nearly all of this is in the form of Trust Funds, held, in varying amounts, for these tribes, only the interest being paid from year to year. The money has come from the sale of land from time to time.

When the land allotment law was passed, in 1887, it was bitterly opposed by the tribes. Later, it became a popular measure with the progressive Indians who were ambitious to distinguish themselves as individuals. This ambitious Indian wants the Trust Funds segregated so that they may be paid, in proportionate share, to every individual who is qualified to use his share. Next to the Dawes allotment law of 1887, this legislation will do most to break up the old communal life that has been nursed by the Government's reservation policy. Holding vast areas of land "in common," with no opportunity to secure private ownership, made the Indians feel as if they were heirs to an estate in chancery. There was no incentive to develop a community-holding; reservations were leased to cattlemen and farmers who had no interest in their ultimate improvement. Upon the allotment of tribal lands, this prop is knocked from under the Indian: the problem of getting a living becomes a personal problem.

That other prop, the tribal fund, should be removed. To illustrate: So long as a member of the Osage tribe knows that he is one of 2,000 heirs to a fund of $8,360,000, and that his proportionate share of interest at five per cent on this tribal fund will be paid to him regularly, he feels no spur to become a producing member of his community. If it were permitted, however, to set aside Frank Corndropper's share of the $8,360,000 and pay it over when he could convince the Government that he is qualified to use it, Frank Corndropper would bestir himself. His example would be followed by Fred Labadie, and by Black Eagle, and by others, until every separate account between the United States Treasury and the Osage Indians would be closed out. Until that is done, no Osage can be made to realize that he is a competitor of the white man in any vital sense.

Legislation designed to segregate Indian funds has been urged upon Congress for years. At Washington, however, the fear of opening a way for exploiters of the Indians has blocked this needed measure. The conscience of their guardian is as tender towards these wards now as it once was lethargic. Last year Representative Lacey of the House Committee on Indian Affairs introduced a bill into Congress authorizing the President in his discretion to allot tribal funds and open separate accounts with individuals. The bill was amended in the Senate to allow the President to designate individuals of a tribe who had shown the capacity to use money wisely, as allottees of tribal funds. But this would leave a common fund to be divided later, and would not meet the views of the Indians' well-wishers. Unsatisfactory as the amended bill was, however, the Indian Office urged it as a first step. But the measure failed of enactment.

Certain "Treaty" funds, derived usually from "agreements to be good," the income from which is available, but the principal of which has never been appropriated by Congress, should also be capitalized and segregated. Periodical payments of interest on these funds, usually in trifling sums, serve to remind the Indian that he is still a dependent. For example, the Oneidas of Wisconsin, more than two thousand in number, are entitled to the annual payment of $1,000. The majority of them are farmers. They live well, in neat houses, and their children are at school. In no way do they require the material help of the Government. Yet once a year the whole tribe is called away from home to draw forty-eight cents apiece!

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Whether the yearly dole be forty-eight cents, interest on a Treaty Fund, or $350, earned by the large Osage Trust Fund, the objection to it holds. The Commissioner of Indian Affairs has clearly indicated that as long as tribal funds remain undivided "the Government has no way of setting free and closing the door behind any Indian who is able fully to care for his own." That the way back to idleness and dependence should be left open is a legitimate cause for complaint among the modern Indians.

Of the fifty-one and a half millions of acres of land occupied by the "reservation" Indians, nearly thirty-two millions lie within the States and Territories of Arizona, New Mexico, California, Nevada, Utah, Oregon, Idaho, Wyoming and Montana. Ten and a half millions more are included in the Dakotas. In all these eleven States and Territories irrigation is a vital subject, and in most it is counted upon to make whatever future lies before them. Nearly seventeen millions of acres of Arizona's huge area are owned by Indians; not one acre in a thousand is arable without water. The same is true of the million seven hundred thousand acres of Indian land in New Mexico. Most of the seven and a half millions of acres held by the Montana tribes will not be productive without irrigation. Idaho's nine hundred and fifty thousand acres, and Wyoming's million seven hundred and fifty thousand acres of tribal holdings are mainly arid and semi-arid. The ten millions of acres in the Dakotas include great tracts of drought-smitten land. How vital, therefore, to the modern, progressive Indian a vigorous irrigation policy is can be understood from these figures.

Thus far the Government's work in supplying water to the reservations has been of a haphazard character. It has been undertaken, not primarily to make the cactus desert and the sagebrush plain blossom, but to provide work for able-bodied Indians in lieu of rations. Whole systems built under this policy have been swept away by floods. In the cases of the Mission Indians of California and the Pimas of Arizona, the Indian Office has not been able even to protect the tribesmen in their use of water that had been theirs for years. White settlers above the reservations calmly appropriated the flow that had made the Mission Indians and the Pimas prosperous and self-supporting, and the Indian Office saw these people beggared. With the best intentions in the world, the Indian Office can make only the weakest showing with its own Reclamation Service. In the last report of the Commissioner of Indian Affairs, eleven separate projects for putting water on reservations are described; in but a single instance was it possible to record more than the merest beginning.

Seven years ago the agent for the Pine Ridge Sioux in South Dakota reported that the annual average death-rate on the reservation was fifty-two per thousand. Last year, Dr. J. R. Walker, one of the two agency physicians, reported that this rate had been reduced to thirty-two per thousand. The difference represents a saving due to Dr. Walker's long campaign against ignorance of sanitary laws. So successful has this campaign been that last year the Indians themselves collected all but a small fraction of the money needed to publish in their native Dakotah language a pamphlet describing a clean, well-regulated home, and instructing home-builders in drainage and ventilation.

The change from tepee to cabin has cost scores of lives, and is likely to cost thousands more. The old Indian camp was frequently changed; the wind blowing through the tents counteracted the effects of lax sanitation. When the cabin was built and the permanent home on the allotment established, the Indian did not realize the necessity for changing his habits of life. Filthy, overcrowded, overhot shanties breed tuberculosis. Ignorance of "civilized" clothes, leading to the wearing of thick garments in summer and thin garments in winter as often as the other way about, makes pneumonia a serious menace. Ignorance of the meaning of quarantine leads to epidemics that carry off a much larger percentage of victims than among the whites.

It has been impossible for the government's physicians to teach the newly-housed Indian how to live. Their time is fully occupied with the urgent cases. On the Pine Ridge reservation, for example, which is approximately the size of Connecticut, there are two doctors to look after the health of 7,000 Sioux. Neither of these has been supplied with surgical instruments; indeed, surgery, so far as the Bureau of Indian affairs is concerned, might never have been practised. Still, the modern Indian does not complain that doctors are scarce, for in all of the thinly settled West the doctor is a rare visitor. His just cause for discontent is that he has been urged to build a house and wear "store clothes" without being told how to live under a roof and save woolen underclothes for cold weather. Agents, agency physicians, school superintendents and field matrons continue to send in alarming reports, showing the spread of the "white plague" among the tribes. They emphasize the importance of a campaign of instruction, and they point out the immediate need of a sanitarium and school in the Southwest where all consumptive Indians, adults and children, may be sent.

It is important, if the "white man's West" and the Indian's West are to merge, that the children of Indian parents shall be educated, wherever possible, in the same schools with white boys and girls. A few of the progressive men in the tribes realize this, though the average Indian does not. From reports made to the Bureau at Washington it is found that about 450 public schools are either on reservations or near enough to permit Indian children to attend. In case a public school takes a reservation pupil, the Government agrees to pay to the county authorities the proportionate cost of its teaching. Last year, however, only ninety-four contracts of this kind were made — ninety-four Indian children enrolled in the common public schools out of a total, in Government, mission and non-reservation contract schools, of 29,500. To the Indian's own indifference this small showing is mainly due, but there exists in the West, besides, a strong prejudice against seating an Indian child beside a white child.

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The Westerner's aversion to the reservation pupil is unfortunate. It discourages the newer type of Indian, for no one sees clearer than he the need for beginning the process of merger at the earliest possible moment. He has accepted in good faith the doctrine that his tribal life must be changed, that he must become in every sense a competitor of the white man. The logical result of such a recognition of superior wisdom would be to secure that wisdom, along with the white man, at a common source. In theory, the public-school authorities of the West agree; in many cases Indian children are included in the State scholastic census, and funds are apportioned as though the doors of the schools were not shut to the little shy people. A small cloud now, this prejudice will assume a very real importance as the tribesmen come to closer grips with their white neighbors.

In the bill of complaint filed against their white neighbors and the Government by the modern "reservation" Indians, the usurer and the trickster, familiar pests in the white man's West, are cited as defendants. These have succeeded the conscienceless old traders. Their methods are different, but their aim is the same — to strip the ignorant Indian of everything that can be obtained. In his report to the Indian Office in 1905, Colonel Randlett, one of the best Indian agents in the service, in charge of the Kiowa agency in Oklahoma, cites an interesting case. An Oklahoma bank official was arrested for trespassing on the reservation. His business there, he explained, was to collect interest on loans made to Indians. On inquiry, it was found that these loans bore interest at any rate between 150 and 3,360 per cent.

The case was not an isolated one, wrote Colonel Randlett. "This practice of extorting usurious rates of interest (from the Indians) is not confined to the despised professional gamblers, but is generally found to be a habit of senior officials of National as well as State banks." Wherever periodical payments are made to tribes, or where personal property can be secured as pledges, loan sharks thrive, and it is not an unreasonable demand the Indians make who want to be protected from them.

Trickery of another kind is reported by the agent in charge of the Shawnee, Pottawottomi and Kickapoo reservation in Oklahoma. In an Act of Congress approved March 3, 1905, restrictions were removed from the allotments of seven Kickapoo Indians. Six of these lay adjacent to the growing town of Shawnee, and are of exceptional value as town-site additions. The agent declares that "unless some legal steps are taken to prevent the passing of title from the Indians interested, they will soon have lost property worth no less than $100,000. This matter certainly represents a gigantic fraudulent scheme." It is accepted by the intelligent Indians as well as their well-wishers among the whites that the only way to teach the tribesman the value of land and money is to let him use it. But this does not mean connivance with sharpers. It does not mean, as in the case of the Colville Indians in Washington, allowing white men to go upon a reservation and "locate" a farm under pretence of working the claim as a placer mine. Captain Webster, in charge of the Colville agency, hints that "here is a fine field for an expert to trap a conscienceless lot of individuals and corporations who regard Government holdings as legitimate prey."

Between the liquor-seller and the Government the old quarrel over the right of an Indian to buy whiskey has reached a threatening stage. The Supreme Court held, in a recent decision, that it is not against the law to sell liquor to an Indian who has taken his allotment, and, by that act, become a citizen of the United States. An Act of Congress, long relied upon by the Indian Office to keep the Indian and whiskey apart, was by this decision declared unconstitutional. It was declared to be an infringement upon the rights of citizens. In spite of the decision, the Indian Office has declared that an allotted Indian must go outside the reservation, or off his allotment, to buy liquor. It is anticipated that the whiskey-sellers will keep up the fight and attempt to secure the removal of the remaining restrictions. No one is more interested than the modern Indian in the efforts of the Indian Office to put off the time for letting the tribesman have free access to the saloons until he has become a competing factor in the life of his community. No one is more concerned over the victories of the liquor-sellers. Whiskey flows toward all frontiers, and is one of the "civilizing influences" that is resisted by white men as vigorously as by the shrewd Indian who wishes to preserve his race as industrial competitors.

When the trust periods begin to expire on allotments already taken by the Indians, as they will in five years, there will be confusion. Questions of heirship that should have been settled long ago will involve Indians in costly litigation. A majority perhaps of the allottees will have died in the trust periods. Who is to inherit? Registers of marriages and records of family relationships are woefully incomplete, and there looms ahead endless costly suits among claimants, with only the lawyers to profit thereby. Left to themselves, the Indians had no incentive to record their family histories. It is a necessity imposed upon them by the adoption of our laws, and it is a just cause for complaint that the making of these records has been neglected.

The bill of complaint contains many minor counts, such as the new greed of the monopolists who are allowed to trade with the Indians, the costly restrictions on the sale of inherited Indian lands, and the demoralizing "work system." Certain of these counts are directed against a Government that is striving with honesty and vigor to satisfy its wards, and some against the white civilization that surrounds the Indian. In its body, the bill is in striking contrast to those so often drawn in the last half-century. To an extraordinary degree, it embodies the complaints heard by the alert traveller in any part of the sparsely settled West, whether Indian reservation or white settlement. It is significant as indicating the practical disappearance of the old "Indian question," and more significant as a sign that the tribesman is becoming a factor in his community. □

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Helena Huntington Smith

1929

Ms. Smith's article, though well-intended, seems an example of the decline in the NAR's former high seriousness, treating in frivolous style one more friction between whites and Indians.

The Red Man Dances

A generation or two ago the American Indian presented no complexities. He was a simple figure who scalped missionaries and scattered the bones of pioneers to bleach on the prairie, and there was no argument about him. Today he is something much worse than that; he is a social problem. He is also a cultural asset, a Vanishing Race, a degraded barbarian and a challenge to our civilization, and he inspires large numbers of public-spirited ladies and gentlemen to a frenzy of uplift, indignation and mutual hair-pulling.

Nowhere else is the hair-pulling quite as strenuous as it is in New Mexico, the home of the Pueblo Indians, who have all the ingredients of romantic appeal. They live in decorative adobe villages — pueblos — with musical Spanish names such as San Ildefonso, Santo Domingo, Isleta, Acoma. And the setting for their pueblos is the gorgeous Rio Grande Valley, which is a strip of lush green lying among piñon-dotted sandhills and gaunt purple mountains. They boast a colorful history, or to be exact, the press agents of the Santa Fé railroad boast it for them. Finally, and this is the real root of the matter, at Christmas and Easter-tide and on blazing days of midsummer they hold magnificent pagan carouses which are a joy to ethnologists and money in the pocket of Fred Harvey.

For many years these dances have been the centre of a terrific controversy among the friends of the red man. It reached its maximum violence several years ago, when the lamented Commissioner Burke listened too long to one wing of benefactors and wrote a letter to his charges, threatening to put a stop to their dances for their souls' health. The howl of protest which went up from the other benefactors is still echoing in the Sangre de Cristo mountains, and until the Commissioner departed from office his subordinates were still occupied, to the point of extreme weariness, in explaining his letter away.

All this is part of the jolly heritage handed on to the new administration of the Interior Department. It has been comparatively quiescent now for several years; a fact which deceives no one. For as soon as Mr. Ray Lyman Wilbur lets it be known that he either does or does not intend to do anything about the dances the rioting will break out afresh.

I have said that the Pueblo is a picturesque and interesting Indian, but that is only one reason for the hullabaloo about him. The other reason is that at Santa Fé and Taos he has white neighbors of artistic and literary persuasion, who paint his picture and grow eloquent over his wrongs, often without knowing precisely what the latter are. This gives him an enormous send-off in the matter of publicity, and draws upon his swarthy head the benevolent attention of all the other red man's well-wishers who roam the United States. And now you know why the Pueblos, who constitute about two per cent of the Indian population of the United States, have been getting ninety-eight per cent of the ballyhoo — save for the unfortunate oil Indians of Oklahoma.

The ordinary benighted onlooker at one of the Pueblo corn dances is somewhat mystified as to what all the shooting is about. All day, monotonous tum-tum-tum-tum of drums, tuneless (to the Anglo-Saxon ear) chanting, long files of curiously bedecked redskins manœuvering about like companies on a parade ground — all this is not only harmless but, except to the ladies with notebooks who are laboriously tracking down the symbolism, it is also somewhat boring after the first half hour. The glamour of these occasions is not so much in the dancing as in something else; in the blinding blue sky, the perfect grace of terraced adobe dwellings against a blue shoulder of mountain, the trailing plumes of tamarisk, the magical Southwestern light, at once dazzling and subtle, which turns even cart tracks in the road to sculpture.

The real clue to the disturbance, however, is not in these performances which the public may sit and watch all day if it wishes; it is in the existence of certain secret rites which no one sees except Indians. The fascination of these secret ceremonies lies in the fact that no one knows anything about them. Or rather, no two groups of people know the same thing about them. According to some reliable sources of information, the ceremonies are indubitably of a phallic nature, but they are histrionic and not real, so with a little broadmindedness there is no cause for alarm. According to other reliable sources they consist of the most ingenious and actual obscenities. These, it is said, have been fully described, in affidavits, by honest Indians who have lost their taste for them, as anyone may verify by referring to the secret dance files of the Indian bureau. Another wing of sympathizers pooh-poohs the affidavits, saying that the Indians who made them merely had a grudge against their neighbors and took this way of getting even.

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In the course of all this airing of views, several seasons ago, the Young Women's Christian Association sent Miss Edith M. Dabb, representing its Indian Department, to investigate the secret dances. I have never been told that she personally viewed any of these ambiguous performances, but she heard enough to confirm the Y. W. C. A.'s worst suspicions. Upon learning of her report, several scholarly gentlemen in museums rushed into print denouncing it as a slander on a noble people. They themselves had been present at several Indian dances when on field trips, and could testify personally to their innocence and beauty. At about the same time a professional friend of the red man brought a delegation of Pueblos to New York and had them go through their familiar gyrations on the stage of the Town Hall, to demonstrate to the Eastern public that only an impure mind could see evil in such a performance.

One may venture to guess that where so much smoke about the secret dances exists there is probably a little fire. The American Indian would be unlike most other primitive peoples if he did not engage in some sort of phallic ritual, and it is conceivable, though hardly proved, that in some cases this may involve abuses. Some of the reformers are so swept away by enthusiasm, however, that they not only demand the extirpation of the secret rites — without saying how they would go about it — but they also want to ban the rather wearisome open-air exercises I have described.

This movement for suppression is tied up, as one would expect, with the religious bodies. Little, if any, of it originates on New Mexican soil. There are hardly any Protestant missionaries among the Pueblos, who were all duly converted by the Franciscan fathers in the Sixteenth and Seventeenth Centuries, and who are still Catholic after a fashion. That is, they hold superbly pagan dances on some Christian saints' days, and they have colored prints of the Virgin in their houses. For the rest they are serenely and solidly heathen, and the Catholic priests are serene also. They do not care whether their charges dance or not.

With the Protestant missionaries, though, it is different. All up and down the West they have wrestled for years to curb the convivial disposition of their dark-skinned flocks, who are universally addicted to these all-day rowdy-dows in some form. Having failed to reform these heathen practices by persuasion, the religious gentry naturally expect the Government to do it for them by regulation. So some time ago — it was 1922, I believe — there was a missionary pow-wow in the Sioux country, at which the following recommendations were adopted and forwarded to Commissioner Burke:

1. That the Indian dances be limited to one in each month, in the daylight hours of one day in the mid week, and at one centre in each district; the months of March, April, June, July and August being excepted.

2. That none take part in the dances or be present who is under fifty years of age.

3. That a careful propaganda be undertaken to educate public opinion against the dance and to provide a healthy substitute.

For some time before receiving these recommendations the Commissioner had teetered successfully between one side and the other of the dance controversy. When the protests of the pious grew too loud, he would issue a circular bidding the Reservation superintendents take drastic steps to restrict the dances, adding hastily, "but only through the exercise of thoughtful discretion and mature judgment, after patient advisory methods have been exhausted." Such a message had two-fold advantages. Its stern tone would quiet the missionaries, while if any agent were rash enough actually to do anything on the strength of it, and a howl arose, the higher powers could say, "We never told him to."

After the missionary recommendations I have quoted, however, the Commissioner teetered too far. In 1923 he dispatched a letter addressed "To All Indians," and as he maundered along in his characteristic literary style attentive readers were faintly shocked to perceive that Mr. Burke appeared to be saying something. This impression he subsequently corrected in haste, but what his letter contained was in part as follows.

I could issue an order against these useless and harmful performances, but I would much rather have you give them up of your own free will, and therefore I ask you now in this letter to do so. . . . If at the end of one year . . . you are doing as requested, I shall be very glad . . . but if the reports show that you reject this plea, then some other course will have to be taken.

Certain internal evidence showed that this document was not really aimed at the Pueblos, but at their rowdy cousins of the plain tribes, who so greatly vexed the missionaries. Nevertheless, public opinion applied it to the Pueblos swiftly and specifically. The uproar which followed was whooped up by the American Indian Defense Association, of which the able and ubiquitous Dr. Haven Emerson is president — John Collier being its general factotum. It was not enough merely to state that the Queres Indian, commonly called Pueblo, is a decorative barbarian with a very interesting primitive culture. In-

"No one disputes the abysmal stupidity and incompetence displayed by the administration of Indian affairs . . ."

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stead, remote parts of the country learned that the artistic development of this remarkable people rivalled the Cinquecento, and that under its communal government of councillors and caciques existed a state of civic felicity and rugged personal virtue which could only be compared to the best days of the Roman republic.

Meanwhile someone discovered that the remarks of the Commissioner on the subject of Indian dances outraged the principle of religious liberty. Charles F. Lummis, the literary discoverer of the Southwest, made an address before a convention of the General Federation of Women's Clubs in which he actually compared the tactics of the Indian Bureau to the Spanish Inquisition, and likened Mr. Burke to Torquemada. He also revealed that the dance oppression was in reality a dark and devilish scheme to get hold of the Indians' land!

In all this confusion of sound one strikingly lucid note was scarcely heard. It came from a white Government farmer attached to one of the pueblos, who expressed himself thus in pencil, on blue-lined paper:

In reply to the letter of Commissioner Burke in the case of the dancing, the Indians are all working on their fields planting wheat, and what the Indians need the most is seed as they are very poor at present.

No one paid the slightest attention to him.

In the summer of 1924 the dance fracas was still popping when the powers in Washington blundered into another hornets' nest. The Indians of Taos were withdrawing two boys from the Government school every year to be educated for the priesthood, in accordance with their ancient custom. The Interior Department now discovered that this was a violation of the compulsory school law, and decreed that the boys would have to stay in school and receive their sacerdotal training in vacation time. It was a typically wooden-headed bureaucratic gesture, no more. But it was naturally seized upon as further evidence of a sinister Governmental plot against the religious liberty of the Pueblos, and dozens of people wrote letters to the editor, asserting the right of the redskin to practise his ancient customs in his ancient way.

They were still thus engaged, when two young Indians of Taos were whipped by order of the Indian authorities of the pueblo for refusing to wear their trousers cut as tradition dictated. This brought in a chorus of new voices inquiring, not unreasonably, "Yes, but what do you mean by religious liberty?" The venerable Indian Rights Association, for one, was agitated because, it believed, when boys and girls went home to some of the pueblos from Government schools, they were persecuted by the tribal elders for declining to take part in certain ceremonies. The spokesman for this organization, Mr. Matthew K. Sniffen, may or may not have been right as to the nature of the ceremonies, but in any case his attitude shocked and hurt a member of the æsthetic faction, who wrote to him:

The concept of religious liberty — toleration and live and let live — accepted by Christians with a good many mental reservations and qualifications, is an American concept which we have no right to force upon our wards. I want the Indians to preserve their fine old pagan religion, the faith of their ancestors, and a certain amount of persecution of renegades and apostates strikes me as probably necessary to that end.

During the last year or two the investigations of a Senate committee have been steadily building up an appalling picture of poverty, disease and neglect on many Indian reservations; conditions shockingly worse, in many cases, than the much-publicized Pueblo has suffered, though the latter are bad enough.

Let us prayerfully hope that public indignation will be aroused at last by all this to the point of overhauling the Indian service. Yet, regarding the Pueblos, it will help if public indignation stays this side of hysterics, for once, and focuses its rolling eye on some objective facts. If these interesting Indians are afflicted with tuberculosis, trachoma and other less mentionable diseases, who and what are responsible?

No one disputes the abysmal stupidity and incompetence displayed by the administration of Indian affairs, and it would be very convenient and simple if that were the whole story, but unfortunately it is not; not in New Mexico. The martyred Pueblos, for whom one has profound sympathy, are nevertheless "conservative," — that is, except for a few show Indians who are always trotted out to impress the innocent, they exhibit an obstinate preference for dying of their accustomed diseases, without any interference from anybody.

Now the United States Indian Service is a multiple personality, and here and there among its subordinate members are devoted, able and courageous people who, amid all the wrangling about the Indian's morals and his æsthetic values, have tried to look after his prosaic material welfare. Among the more frenzied friends of the red man, however, the motto is, "The *only* good Indian agent is a dead Indian agent." These benefactors are interested in perpetuating his dances, his worship, his artistic self-expression. As one distinguished member of the Santa Fé colony put it, "We want to preserve the Indian like the geysers, the big trees and the buffalo." With marvelous aplomb they damn the Government for its failure to achieve asepsis in the pueblos, and in the next breath condemn it for trying to interfere with the fine old unsanitary customs of the aborigine. None of which would matter — except that it increases the difficulty of doing anything about the diseases. Into the willing ears of their Indian friends the benefactors buzz advice: that they must resist the brutal efforts of an unimaginative bureaucracy to force modern civilization on them, even if it is teaching them to use a toothbrush.

The trouble is that Indian dances, religion and manner of living are all interwoven in a hopelessly tangled whole. Like other theologies, the Indian's is in many respects both beautiful and admirable, and it arouses literary ladies to flights of ecstasy. But in the interest of realism one must note that if an Indian girl wants a doctor when she has a baby, it is this same religion, in the person of the pueblo elders, which steps in and says, "No!"

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Again, when the Government digs wells in some of the more conservative pueblos, the inhabitants hurl refuse down them, break the pumping machinery and go on drinking ditch water in their quaint ancestral way. If the population gets typhoid that, too, is a by-product of religion — but the literary persons fail to see the connection.

All in all the Truth, always a skittish lady, is more than ordinarily coy where the Pueblos are concerned. This "picturesque and lovable race" is not altogether innocent of the art of politics; it uses its voluble sympathizers — but it does not accept them. Toward all, or practically all, white people the Pueblo erects a stone wall of reticence on every subject that concerns his Indian life, and the people who gush appreciation of its beauty are seldom rewarded with full information about it — or with invitations to the secret dances.

Consequently it is not surprising if archæologists, literary ladies and the Y. W. C. A. combined have learned only a meagre amount about the life of the Southwestern tribes and the details of their ceremonies. No one knows the whole pattern of their intricate social fabric, of which religion is the warp and tribal organization the woof. Occasionally a white visitor, on ethnology bent, has questioned an Indian too closely as to the traditions of his tribe, and the resourceful redskin has replied with a perfectly straight face by relating the traditions of a neighboring tribe.

It is these little things that make the truth about their dances elusive. It is so elusive that authorities are still at variance over so apparently simple a question of fact as whether or not the poison apparatus of the rattlesnakes is tampered with in the Hopi snake dance. Mr. Leo Crane, the author, who was agent for eight years in the Hopi country, says he does not know.

However, the dance muddle, as I have already hinted, is only one facet of a vaster, a comprehensive muddle. The whole question of how far one should presume to interfere with the Indian for his own good is one of the most involved and delicate problems which ever split the head of an administrator. How shall we regard the claims of an ancient culture amid the pressure of modern conditions? For this, it may be, there is no perfect solution, nor one devoid of bitterness.

If that is true, perhaps the best thing is to face it. The writer wishes modestly to point out that, practically alone among her kind, she is not offering a solution of the larger Indian problem. It seems fairly clear, however, that in order to arrive at any solution at all it is first necessary to regard the Indian as an Indian, and not as a convenient proving ground for one's theories of life. Of all human perplexities this one, so old and so involved, calls most urgently for that rare and priceless thing, a sense of fact.

The appointment of Charles J. Rhoads of Philadelphia to the office of Indian Commissioner looks like better times ahead for the Indians — and a bad time for Mr. Rhoads. The new head of the Indian bureau is an officer of the Indian Rights Association, which for almost fifty years has shown vigilance and a bull-dog determination in defense of just what its name sets forth — Indian rights. It is more than likely that with Mr. Wilbur back of him he will wield a powerful new broom to clean out the disgraceful mess of dirt, disease and corruption which has been found on so many reservations.

But as soon as ever his material improvements run counter to the delicate claims of culture — and they will — his troubles will begin. May Commissioner Rhoads enjoy the judgment of Solomon! He will need it. □

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Vine Deloria, Jr.

1973

Best known for his book CUSTER DIED FOR YOUR SINS, *Deloria surveys American Indian history and concludes somewhat resignedly that "history teaches nothing and men learn little."*

Indian Affairs 1973: Hebrews 13:8

"Whenever an Indian reservation has on it good land, or timber, or minerals," the Commissioner of Indian Affairs stated in his Annual Report for 1876, "the cupidity of the white man is excited, and a constant struggle is inaugurated to dispossess the Indian, in which the avarice and determination of the white men usually prevails."

Ten decades later, we discover that while times have changed considerably, ideas about Indians have remained more constant than the Rock of Ages. The feeling still remains that somehow there is a magic key to unlock the aboriginal psyche and that whoever finds this mysterious key can within a reasonable time create from the aboriginal inhabitants a type of person that has rarely been seen during the ages of man's existence.

One can only wonder at the profound inability of the white man to comprehend two factors of human existence which remain in many ways the most important factors of his social existence. These two factors are law and culture. While we all flippantly convince ourselves that we understand law and culture and the manner in which they appear to describe the interworkings of groups of men, a glance at the past century's events and present attitudes should be sufficient to indicate to us that far from understanding either law or culture, the white man has continued to base his comprehension of society upon what he would like to believe men *should* be rather than what they are.

The predominant — one might say overriding — concern of the influential whites of a century ago was somehow to place the savage tribes on the evolutionary railroad track to civilization. Without examining the popular folklore of social evolutionary theories, whites assumed that nations of men followed inexorable rules of development. Arriving at national consciousness in a hunting state, the embryo-nation was supposed to pass eventually to an agricultural state and then gradually evolve into a modern urban society. This process was believed to be part of God's divine plan, and American history was perverted to explain the process. Whether the present collective amnesia which blocks a recognition of America's violent past developed during the closing years of the last century is irrelevant compared with the obvious beliefs, found in the writings of the past, that things had happened in a certain way, perhaps revealing a divine plan for America.

The pity of the thinkers of the last century was that they refused to analyse their ideology in logical terms or to expend great amounts of energy observing history to validate the corollaries of their central doctrine. As we glance at the suggestions of such men as Carl Schurz and their view of the divinity of agriculture, and compare the actual performance of the federal government and the American people during the succeeding years, we shall find that the credibility gap is not a phenomenon of recent times. It has been the constant hidden factor at work crushing the possibilities of finding a peaceful and just solution to the problems of American Indians. It exists today in massive doses because it has prospered for four centuries of the white man's existence on the continent and is just reaching national fruition.

From what we can discern of the articles of a century ago they argued that agriculture was the next step in civilizing the Indian. Thus, the theory went, the Indian reservations should be broken into farming plots and tribal assets should be divided among the tribal members. With the injection of the magical properties of private property the individual Indians would raise their heads and their sights beyond the limited horizon which hemmed in their tribal existence. The debate, if any existed, was whether the magic of private property could work on the savage psyche. Could Indians be saved or were they to be exterminated like the buffalo? — a debate hardly above that of a savage mentality even if carried on by people with neckties and high button shoes.

A glance behind the rhetoric of the time would be astounding even today. In ideological terms the debate was over the feasibility of making the Indian perform the evolutionary feat of leaping from hunting to agriculture in one generation. In practical terms the whites of the western states, cattlemen for the most part, wanted Indian lands. The allotment of the reservations and settlement of surplus lands would allow the sharper whites to gain large ranches for their cattle operations through

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their manipulation of the homestead acts. In forcing Indians to evolve from a hunting to an agricultural state, federal policy allowed the lower class whites to continue in their slothful pastoral pursuits. The evolutionary theory did not withstand even a surface analysis of its validity.

Allotment appeared inevitable and the leading exponent of the policy, Senator Henry Dawes of Massachusetts, finally saw his version of the legislation passed in 1887. The act gave policy direction to the President, but it was interpreted by the executive branch as an immediate mandate to allot all tribes, not simply those who applied for allotment. Hurried "agreements" were forced upon some of the tribes, while exotic inducements were dangled before others; soon most of the tribes of the west had become witting and unwitting victims of the policy.

To indicate how devastating the allotment process was to the tribal land estates one need only view some of the figures of allotments and "surplus" lands which were reported by the Commissioner of Indian Affairs in 1891 and 1892. The Iowa tribe, for example, at the end of 1891, held 8,658 acres in allotted status and the government had purchased 207,174 acres of "surplus" lands from them — a loss of 90.8% of the tribe's land holdings. The Cheyenne and Arapaho tribes of Oklahoma had 529,682 acres left and had sold 3,500,562 acres of "surplus" lands — a loss of 81.5% of their lands. It should have been apparent, had anyone cared to understand, that allotment was a contemporary way to strip the tribes of their physical assets by ostensibly legal means.

Had the federal government maintained even a consistent program of allotment many of the tribes might actually have made the evolutionary leap forward that the reformers seemed to visualize. The allotment act had hardly been passed, however, when it was amended, and this amendment may have been the single most detrimental act the federal government ever perpetrated on Indians. In 1891 the General Allotment Act was changed so that Indian allotments could be leased out to non-Indians under the supervision of the Bureau of Indian Affairs.

The leasing amendment was not wholly without justification. Many Indians were very old and, having been forced to take allotments in their old age, were incapable of farming their lands. Indian children were given smaller allotments of land according to the provisions of the allotment acts which affected the different reservations. Generally they received 40 acres — a tract insufficient for anything other than token acknowledgment that they were tribal members at the time the lands were divided. Giving allotments to children conflicted with the federal policy of bundling them off to government boarding schools early in life, and questions arose concerning the beneficial use of their lands during their school years.

The change of the allotment law was thus intended to meet these problems, and the Bureau of Indian Affairs agents were given wide discretion to lease Indian lands through the development of a federal "trust" over the lands which grew out of the twenty-five year period of restriction upon alienation which attached itself to the new allotments. From this innocent beginning, the present theory of federal trusteeship over Indian lands developed. But the trouble with vesting absolute discretionary powers in the Indian agents was that few of them were honest enough to consider the best interests of the Indians. Many were tied into the local pressure groups which sought long term leasing on those Indian lands which they had been unable to gain through settlement laws. Very shortly, leasing was seen as a modern means of taking Indian lands.

In the northern plains, where allotment had created thousands of small tracts, the large ranching and farming combines began moving onto Indian lands. In 1916, for example, on the 2 million acre Pine Ridge Indian Reservation in South Dakota, only 40 acres of land was leased to a non-Indian. A year later nearly 80% of the land was leased to white cattlemen. Other reservations experienced the same phenomenon but at lesser rates of conquest. The net result of the leasing policy was to reduce the Indians to absentee landlords whose only purpose in life was to frequent the agency town, drinking and idle, waiting for their lease checks. Allotment, then, was an effort to force Indians to become white farmers; leasing was a convenient loophole to enable them to survive without understanding the cultural change that would have enabled them to prosper.

The great social experiment of the nineteenth century became a systematic exploitation of people during the twentieth century. For no sooner had the frontier been declared officially closed by Frederick Jackson Turner than people forgot about the thousands of Indians huddled on the desert reservations of the west. Nostalgia for the frontier overwhelmed public consciousness, and dime novels and the new motion pictures created a west that never was but which everyone *thought* existed. The proper operation of federal laws depended upon the continued glare of public understanding and opinion on the actions of the bureaucracy; when Indians were finally submerged as living people and replaced by their fictional counterparts the bureaucracy moved in and snuffed out all signs of resistance.

". . . The process of assimiliation has created a partial creature that in many ways can never again be made into a whole being."

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Commissioner Francis Leupp, writing in his book, *The Indian and His Problem*, in 1910, declared that "the Indian problem has now reached a stage where its solution is almost wholly a matter of administration. Mere sentiment has spent its day; the moral questions involved have pretty well settled themselves. What is most needed from this time forth is the guidance of affairs by an independent mind, active sympathies free from mawkishness, an elastic patience and a steady hand." If America had not settled the problems of the world, she had at least solved a troublesome and perennial situation with the American Indians.

In the mind of Francis Leupp the solution might have been merely administrative, but the overweening ego of the white man failed to comprehend that such administration had not been a hall mark of present or previous behavior by the federal government. That administrative actions were decisive did not mean that they were moral, proper, or even efficient. Few people thought to inquire behind the actions of the government to determine if goals and results coincided.

It was by some strange intervention of fate that the Indian communities, beaten down with myriad rules and regulations, were placed on the road to cultural recovery. In 1913 a minor case involving the sale of liquor to the Pueblo Indians of New Mexico reached the Supreme Court. The question at issue was whether or not the Pueblos were so far under federal protection as to bar them from drinking. *Sandoval*, the defendant after whom the case was named, maintained that they were. The Supreme Court maintained they weren't. Not only that, the court found that the Pueblos had always been subject to the paramount power of Congress, and the implications of this decision suddenly dawned on everyone. The titles to thousands of acres of land which had been taken from the Pueblos by one method or another over the past half century were voidable.

From 1913 until 1924 the Pueblos lands controversy raged in the southwest. The Indians organized as the All Pueblo Council to meet the challenge head on. It was the first time since 1688, when they had thrown the Spanish out of the New Mexico area, that a concerted effort was made by the Indians. The philanthropic groups that had so plagued Indians a generation before rose to the defense of the Pueblos. Under the able leadership of John Collier a coalition of groups spearheaded by the General Federation of Women's Clubs pushed aside the ranchers and farmers who had gathered under the leadership of New Mexico Senator Bursum and carried the day.

The Pueblo Lands Act set up procedures whereby the white intruders on Indian lands would have to prove their titles to the lands they claimed. The Pueblos were given a special attorney to handle their cases and over a ten year period several thousand squatters were expelled from the Pueblo lands. It was a rare instance of laws being used to defend the Indian rights to land and communal existence rather than to despoil them.

The fight to protect the Pueblo lands must certainly stand as the turning point in the history of Indian Affairs. For the first time Indians were considered to have rights that could be protected in court. The Cherokees had gone to the Supreme Court to defend their treaty rights in the 1830s with no relief. Again in the 1870s the Indian citizen John Elk had sued to gain the voting franchise without success. Indians had somehow survived a century of disenfranchisement without the ordinary forms of legal protection; in the Pueblo case law was used for the first time to extend, if only by implication, the rights of Indians everywhere.

Collier emerged from the land confrontation as the strong man in the field of Indian Affairs. He spent the remainder of the 1920s needling both Congress and the administration for better conditions for Indians. Having become entranced by the Navajo and Pueblo lifestyle and religions, Collier devoted his energies to rebuilding the Indian cultural base and extending the land base upon which the people conducted those ceremonies and lived the life that Collier loved and admired.

With the election of Franklin Roosevelt and the entrance of the New Deal ideologies into American life, Collier became the Commissioner of Indian Affairs. A report done half a decade earlier, by Lewis Meriam, on the administration of Indian Affairs, provided Collier with sufficient documentation and ammunition to drive through the Congress a completely new idea of Indian relationships with the federal government. In 1934 Congress passed the Indian Reorganization Act (I.R.A.) which provided for formally organized and recognized governments for the reservations. While the final version of the act was not what Collier had conceived, it was a giant step forward in the development of the Indian communities and Collier accepted what he could get and began to build on it.

The past generation has been dominated in one way or another by the work of John Collier. During the 1950s the tribes and Congress fought a bitter battle over the policy of terminating the tribes from federal supervision, services, and responsibilities. The first move by Congress was an effort to repeal the provisions of the I.R.A. in order to cripple the ability of the tribes to fight back. Fortunately, the tribal governments had developed sufficient knowledge about the workings of the federal government to turn back the Congressional challenge quickly. Collier's hunch about the continuing struggle between the tribes and the United States paid great dividends when put to the test in the 1950s.

When the War on Poverty was declared the Indian communities were in an ideal position to exploit the provisions of the legislation. Tribal governments were eligible for grants on the same basis as cities and counties and nearly every tribe had an extensive program developed within a year of the passage of the legislation. Many even admitted non-Indians to their programs in those areas where conservatives dominated local white govern-

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"It would seem that Indians and whites were somehow destined to be each other's victims in unique and profound ways."

ments and refused to apply for funds for the Poverty war. On the whole it was the ready-made status of tribal governments that enabled Indians to gain many advantages denied to other minority groups during the expansion of social programs in the 1960s.

The mere expansion of programs and opportunities created problems which even John Collier had been unable to foresee. The tribal governments set up under the Indian Reorganization Act were designed for Depression conditions. In those days tribal income was exceedingly small; federal programs, even with the expansive nature of the New Deal, were miniscule, and none provided for direct funding of administrative costs to the tribes themselves. Thus the governments of the reservations resembled student governments in the large colleges rather than municipal governments with the ability to expand and contract according to the conditions that existed.

By the late 1960s the problem with the tribal governments was becoming apparent. Times and peoples had changed but the tribal governments were burdened with an extensive and cumbersome process of amending their constitutions and consequently few had done so. The intangible results of the poverty programs were often to raise the question of Indian identity to a crisis situation. People were being hired partly on the basis of their tribal membership and partly on the basis of their education and professional skills. The two factors seemed to work toward a common middle ground in which the problem of what it meant to be an Indian was the central question.

With the rise of Indian activism in a number of forms this central question, avoided by both Indians and whites since the days of Carl Schurz, dominated the emotional consciousness of Indians without finding an intellectual context in which it could relate to the modern world. People knew that they were Indians and tried to develop a pride in this fact of their existence, but the pride too often expressed itself in anti-white sentiments, not in a reflection of the basic Indian values which had enabled the tribes to exist during a century of oppression. In the operations of the poverty programs there was a great deal of wasteful expenditures of moneys. Rather than calling the culprit to account to the Indian community for his misdeeds, Indians too often regarded the maladministration of programs as another attack against whites; they refused to call the Indian administrator to account because he would be punished by white-dominated courts and administrative proceedings.

The result for the Indian communities was that instead of regaining the integrity that had been their chief characteristic in former years, the whole system of belief and faith in tribal institutions was so undermined that people began to call for the abolition of tribal governments. The final act of this tragic drama was, of course, the confrontation at Wounded Knee. People of equally sincere beliefs saw the Wounded Knee incident as the beginning of a new era of Indian involvement, the end of an era of inept radicalism during which Indian activists draped themselves in blacks' clothing in order to make a name for themselves.

One would have to conclude that the process of assimilation has created a partial creature that in many ways can never again be made into a whole being. The integrity of law was never very strong when applied to Indians, and with the leasing amendment to the General Allotment Act Congress virtually abdicated its responsibility for Indians and allowed the anonymous and inept bureaucrats to take final control over Indians. The struggles of the succeeding years, while spectacular in some respects and disastrous in others, have been simply the events which could have been expected when central issues were avoided or approached obliquely.

The central issue has been that of culture and civilization. How does one determine the relative value, worth, and reality of culture? What factors are considered in weighing the values by which men live? Does an expanding technology give to one group of men a divine right to force upon another group of men behavior patterns, values, laws and concepts which are foreign to them? What factors finally determine how we understand "civilization" as it appears among men?

Jefferson Davis, in his article in these pages, remarked, "Surely the equitable or humane conclusion would be that it were better the white man, with his larger means and higher intelligence, should have been assigned to the region where artificial appliances were necessary to secure the irrigation which would render the land productive, and science would be available to combat the ravages of destructive insects." The question, then, of mortality, civilization and culture has been raised previously without creating any great impact.

Perhaps the most incisive article to appear in these pages is that by William Justin Harsha who noted that "law has always availed to settle and civilize society." One can trace throughout the past century the absence

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of any integrity of the law when applied to Indians. It has rather been, if one reflects upon the events that have been reviewed, a curious mixture of sociological theories masquerading as legal concepts that has dominated Indian affairs. The recent disturbances in Indian country have shown simply one thing — Indians are presently repeating the mistakes of the white man by attempting to force law to perform precisely those acrobatics which the whites of the 1880s and 1890s asked it to do.

In reflecting, therefore, upon the foibles and follies of the past in the field of Indian Affairs and the learned expressions by policy-makers of both red and white heritage, the most profound lesson we can manage is that history teaches nothing and men learn little from generation to generation. If within one generation a few people come to know themselves or to understand the nature of man's experience, it may be a major achievement. But the mixture of thought and emotion that has passed for Indian Affairs has done little for either red men or white men. While white men now own the continent, they are miserable, victims of pathological fears that they will lose their ill-gained wealth, and in the process of destroying the world. Indians have learned little except that they do not understand what has happened to them and have lost their ability even to articulate what that means.

Whether such conflict, when it has occurred in other nations in other ages, can be satisfactorily resolved, seems to depend in large measure upon an innate sense of proportion — a historical tradition that we have conveniently labeled our sense of "justice". It is the tragedy of our present situation that we cannot find even this sense of propriety, and we are unique among men of all ages in this inability to perceive values by which we can live. It would seem that Indians and whites were somehow destined to be each other's victims in unique and profound ways And perhaps that is what we ultimately must live with. □

If we are not stimulated by triviality . . . let us feast at the table of the gods!

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